U.S.Department of Labor
Occupational Safety and Health Administration
Directorate of Training and Education

5450

Evaluating Safety and Health Management Systems for Special Government Employees

SGE Training Course

SGE Course Agenda

TIME	DAY ONE	DAY TWO	DAY THREE
8:15 – 9:15 Break	Introductions/Housekeeping *(Safety Moment optional)* VPP History SGE History & New SGE Requirements	Class Review of yesterday *(Safety Moment optional)* Mgmt Leadership & Employee Involvement	Class Review of yesterday *(Safety Moment optional)* Report Writing (cont)
9:30-10:30 Break	Overview of FRN Overview of VPP Policies & Procedures Manual Trivia Game *(Stretch/Flex optional)*	Mgmt Leadership & Employee Involvement Exercise Worksite Analysis *(Stretch/Flex optional)*	Decisions, Decisions Exercise Home Stretch *(Stretch/Flex optional)*
10:45-11:45 Lunch	Ways to Participate Programs in VPP	Worksite Analysis Exercise	Group Recommendation Exercise Post Test
1:00-2:00 Break	Application Eligibility Requirements Exercise	Hazard Prevention & Control Exercise	Closing Comments Swear in of new SGEs
2:15-3:15pm Break	Types of Onsites - *Initial Approvals* - *Re-evaluations* Onsite Procedures	Safety Health Training Exercise (SGE Panel Q & A)	
3:30- 4:30 Break	Evaluation Techniques *-Walkthrough* *-Document Review* *-Interviews* Interview Exercise	Unusual Circumstances & Report Writing Exercise	
4:45-5:00	Closing Evaluation	Closing Evaluation	

Rev. 7-2015

THE HATCH ACT

General Rule Regarding Political Activities. Under the Hatch Act, the rules on political activities are intended to allow you to actively participate in the political process, but also to ensure that Government activities and political activities are not intermingled. You may not engage in political activities during Government duty hours or on Government premises or use Government resources (including your Government affiliation) for a partisan political purpose or to aid a political campaign or organization. You may engage in partisan political activities during non-duty hours, even on days in which you are providing services to the Government. However, you may not solicit or accept political contributions during the term you serve as a Special Government Employee, unless you serve on an intermittent basis, in which case you may not conduct campaign solicitations on days you are providing services to the Government. As a Special Government Employee, you are, unlike other employees, permitted to run for partisan political office, but you may actively campaign only when not on duty.

In a Federal building, on duty, or using Federal resources

The Hatch Act prohibits any political activity while at work. This includes any action supporting or opposing a political party, candidate for partisan political office, or partisan political group. It does not affect your ability to show support for policies or ballot initiatives. It includes any use of your government telephone, computer, email, printer, copier, or fax machine.

Fundraising

The Hatch Act prohibits Federal employees from soliciting contributions to political candidates, parties, or organizations AT ANY TIME. This prohibition includes forwarding invitations to fundraisers or posting links on social media to "Donate Here" pages. It does not prevent you from giving money or speaking, posting, or emailing your views on the candidates, parties or groups, as long as you do not ask for money. There is a very narrow exception for some intra-union solicitation.

A Day in the Life of an SGE

By Brian Bennett, Ph.D., CSP, Akzo Nobel Polymer Chemicals, LLC

I applied to become an SGE in 1995 and completed my VPP Safety and Health Program Assessment training in Nashville, Tenn. I am currently the senior active SGE in Region II and have completed over 20 VPP onsite evaluations, as well as having served as a mentor for several sites. I am also currently the Region II VPPPA chapter chair.

Being an effective SGE does take some effort. The first requirement is to gain the support of your employer to participate in the program, as your company must absorb all costs associated with the SGE program. SGE candidates must have some expertise in the area of safety and health and must be a member of and thoroughly familiar with the Voluntary Protection Programs.

Preparation for participation in a VPP evaluation usually begins several weeks before the start of the onsite evaluation. The evaluation team leader usually sends out some introductory material about the facility, as well as a copy of the VPP application or previous evaluation report in the case of a re-evaluation. SGEs must familiarize themselves with the facility and its operations; this may take a little time if they are not familiar with the particular industry to be evaluated. Once on site, SGEs are assigned as either safety or health experts, depending on their background. The evaluation team leader assigns specific components of the evaluation that must be reviewed by the SGE. SGEs participate in all aspects of the evaluation, just like their full-time OSHA counterparts, including document review, informal and formal interviews and field verification. SGEs are full partners in the evaluation team and, as such, participate in the development of the evaluation report and have a vote in the overall recommendation for the site's participation in the VPP. Finally, SGEs are often invited back to the site's celebration once they have been approved as a Demonstration, Merit or Star worksite.

> The SGE program has been a wonderful experience for me. SGEs are seamlessly incorporated into the evaluation team and are fully accepted by both the facility and OSHA personnel.

The SGE Program has been a wonderful experience for me. SGEs are seamlessly incorporated into the evaluation team and are fully accepted by both the facility and OSHA personnel. Being an SGE has allowed me to visit facilities from many different industries, such as distribution, personal products and research and development. I have been able to visit the best of the best and learn how different operations address safety and health issues. I have met many industry and OSHA safety and health professionals and have established friendships and networks that have been of great value to me over the years. Having established relationships with many OSHA professionals has been of great benefit to me when I needed advice or assistance. One of the greatest advantages of being an SGE is having the ability to exchange valuable information, experiences and lessons learned with my peers and OSHA officials. Working alongside the OSHA personnel has given me an insider's view on what OSHA considered important in an excellent safety and health process, and I have learned first hand by observing what truly constituted a best practice in safety and health.

Based on concepts I have observed during each evaluation, I have always been able to bring at least one enhancement back to my site. I highly recommend participation in the Special Government Employee Program, both as a means of professional development and as a demonstration of commitment to expand the membership within the Voluntary Protection Programs.

A Day in the Life of an SGE

By Mike Pendergrass, SGE for Superior Industries

I consider participation in the Special Government Employee (SGE) Program to be one of the greatest accomplishments of my career. When I first entered the safety field, I had no idea that I would one day conduct an onsite evaluation side by side with the Occupational Safety and Health Administration (OSHA). This could be very intimidating, but I have had the opportunity to complete Voluntary Protection Programs (VPP) onsite evaluations with some great OSHA and SGE professionals.

One of the most overlooked benefits of becoming an SGE is the continuing education you receive and the benefits your site gains by allowing participation. Each SGE in our corporation must complete at least two onsites per year. Even though Superior Industries dedicates financial resources to this effort, the company gains at least one good idea for continuous improvement of our safety programs per onsite evaluation. The experience gained by participating in the SGE Program improves safety professionals and the service they provide to their respective sites.

I also think that there is another benefit for companies allowing participation of an SGE in a VPP onsite evaluation. The SGE is usually the only "auditor" that has the experience of having been "audited." This seems to bring a sense of calmness to a situation that can be stressful for companies completing an evaluation.

The evaluations I have been part of typically start on a Monday and conclude on a Friday.

MONDAY

On Monday, the VPP team meets onsite at 1:00 pm. A brief opening conference with site representatives takes place, introductions are made and emergency plans are shared with the team. After introductions, the VPP team will usually have a brief meeting to make assignments. Then the team begins to review the safety management systems in place at the site. This review can last anywhere from four to eight hours, depending on the depth and scope of necessary programs by location.

TUESDAY

Tuesday usually begins with continued review of the safety management system. By completing the program review initially, it allows for additional insight into the activities that will be observed while touring the site. Most of Tuesday is spent completing the facility physical safety review. The facility tour will vary in length due to the scope and complexity of the potential VPP site.

WEDNESDAY

Wednesday usually consists of interviews for the entire day. Typically, 10 to 15 percent of the site employee population is selected for interviews on Monday. Interview selections will consist of employees, management and contractors. I have found that the appropriate interview time is roughly 30 minutes. This allows enough time to become familiar with individuals and gain some idea of the responsibilities they have while performing their jobs. This is one of my favorite activities as an SGE. It is always interesting to learn about different jobs and nice to hear how employees are proud of what they produce or offer to their organization.

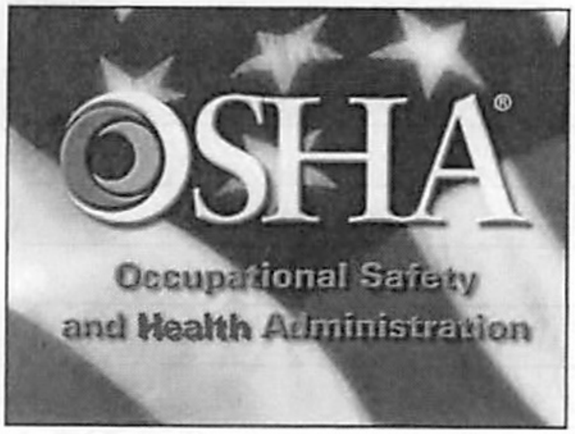
THURSDAY

Thursday is typically reserved to complete the report. It is beneficial to complete this report onsite while company representatives are available to provide necessary details that may need to be included. Thursday is also reserved for follow-up to any item that may have been addressed subsequent to the program review or facility tour. I can honestly tell you that this is not my favorite day; however, I must take one for the team. Matt Gaines, Region VII VPP manager, would be the first to tell you that I would much rather be on the production floor or interviewing employees. Although the team splits up the report sections according to the four VPP elements, we usually contribute to all sections due to findings on the shop floor or information reviewed during program analysis.

FRIDAY

Friday provides last-minute opportunities to finalize any information in the report that will be submitted to OSHA at the Department of Labor in Washington, D.C. After each team member had a chance to proof-read the report, copies are printed and shared with the site. A closing meeting is usually scheduled mid-morning, when the site will learn of the team's recommendation. After a closing meeting, the team departs to return home.

I hope this summary does not make the process appear overly difficult or undemanding. This is one of the most value-added opportunities I have benefited from throughout my career in safety. Each onsite evaluation brings challenges and growth opportunities. Each onsite evaluation has benefited Superior Industries.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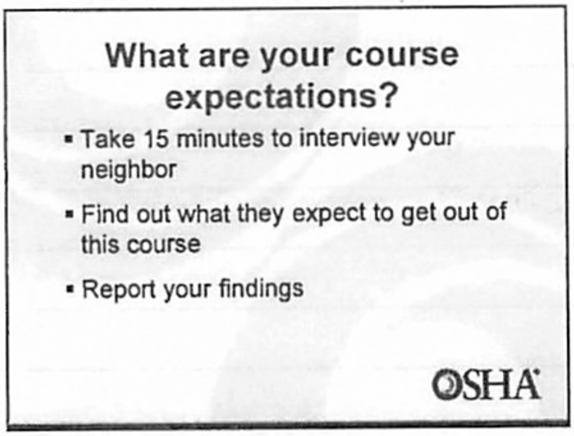
OSHA Special Government Employee (SGE) Training

Course Objectives

Students will learn:
- History, philosophy, & requirements of VPP
- History & philosophy of the SGE program
- Elements of effective safety & health management systems, & how to evaluate them using VPP criteria
- Proper procedures for conducting a VPP Onsite Evaluation (through use of a case study)
- How to be an effective member of a VPP Onsite Evaluation Team



What are your course expectations?

- Take 15 minutes to interview your neighbor
- Find out what they expect to get out of this course
- Report your findings

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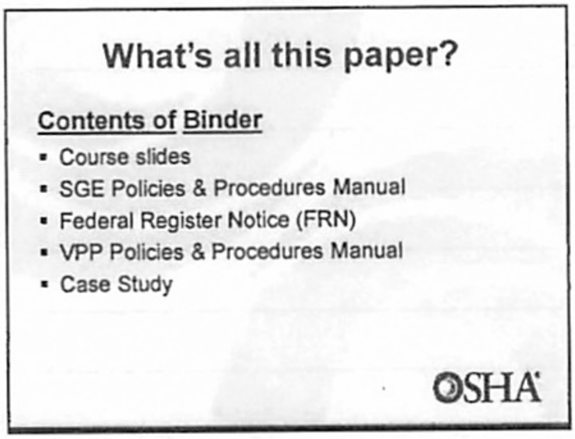
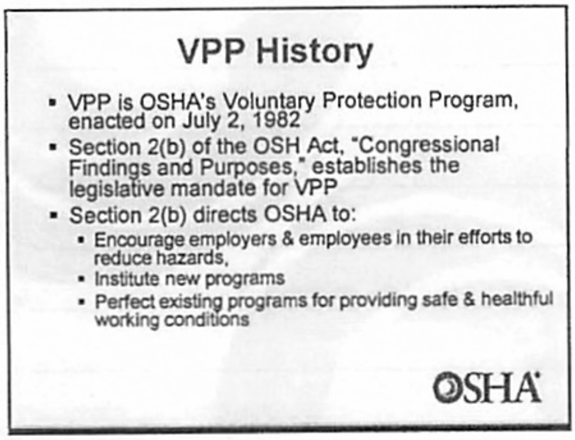


What's all this paper?

Contents of Binder

- Course slides
- SGE Policies & Procedures Manual
- Federal Register Notice (FRN)
- VPP Policies & Procedures Manual
- Case Study

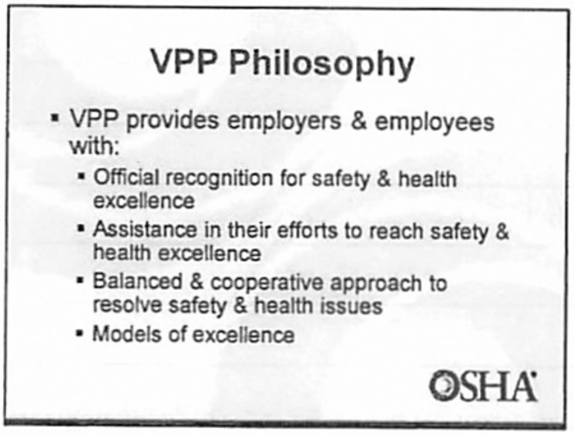
OSHA



VPP History

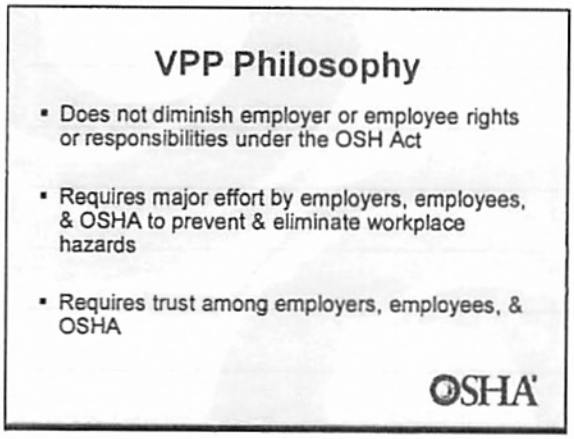
- VPP is OSHA's Voluntary Protection Program, enacted on July 2, 1982
- Section 2(b) of the OSH Act, "Congressional Findings and Purposes," establishes the legislative mandate for VPP
- Section 2(b) directs OSHA to:
  - Encourage employers & employees in their efforts to reduce hazards,
  - Institute new programs
  - Perfect existing programs for providing safe & healthful working conditions

OSHA



VPP Philosophy

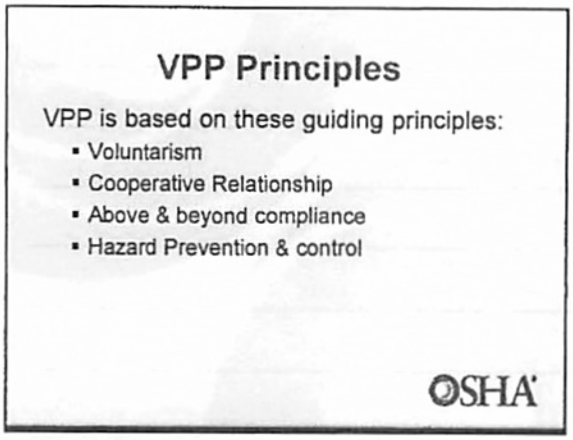
- VPP provides employers & employees with:
  - Official recognition for safety & health excellence
  - Assistance in their efforts to reach safety & health excellence
  - Balanced & cooperative approach to resolve safety & health issues
  - Models of excellence



VPP Philosophy

- Does not diminish employer or employee rights or responsibilities under the OSH Act
- Requires major effort by employers, employees, & OSHA to prevent & eliminate workplace hazards
- Requires trust among employers, employees, & OSHA

Feds can't use CSHOs



VPP Principles

VPP is based on these guiding principles:

- Voluntarism
- Cooperative Relationship
- Above & beyond compliance
- Hazard Prevention & control

The Guidelines

- Safety & Health Program Management Guidelines – published in 1989 (after VPP)
- Safety & Health Program Management System Elements:
  - Management Leadership & Employee Involvement
  - Worksite Analysis
  - Hazard Prevention & Control
  - Safety & Health Training

OSHA

4 components

VPP Works!

- Lower injury & illness rates:
  - On average, injury/illness rates at VPP sites are more than 50% below the national average for their respective industries
- Improved employee morale
- Increased productivity
- Your story

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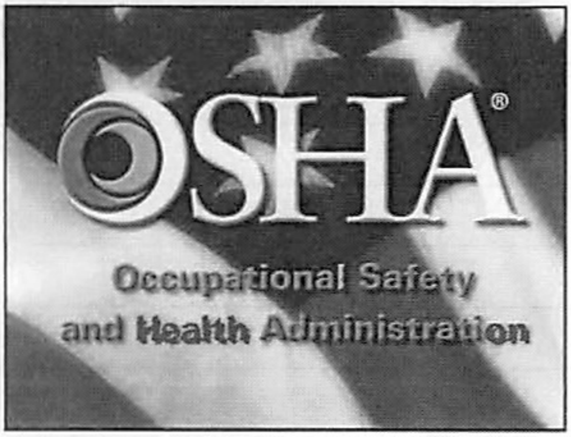
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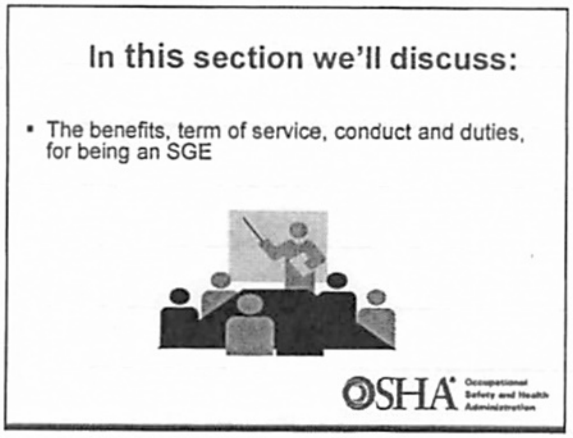
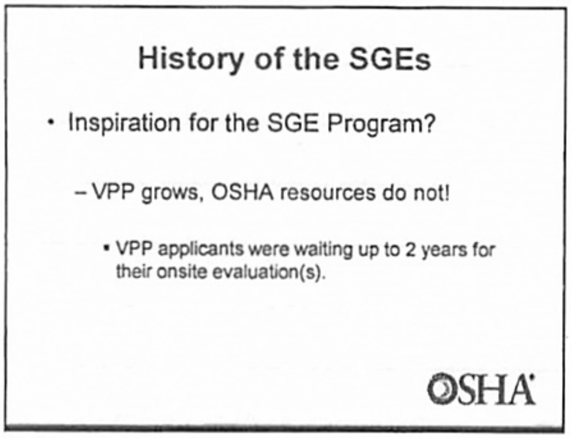


In this section we'll discuss:

- The benefits, term of service, conduct and duties, for being an SGE

OSHA Occupational Safety and Health Administration



History of the SGEs

- Inspiration for the SGE Program?
  - VPP grows, OSHA resources do not!
    - VPP applicants were waiting up to 2 years for their onsite evaluation(s).

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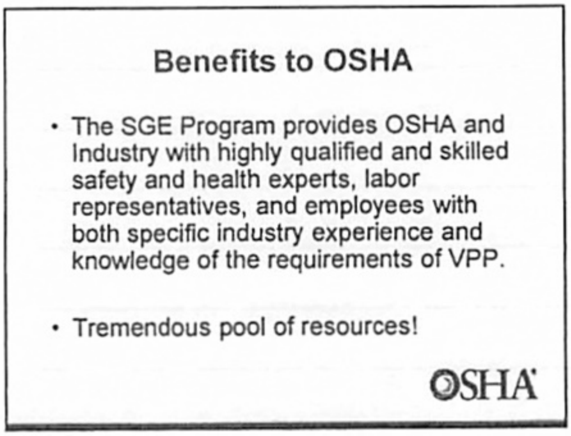
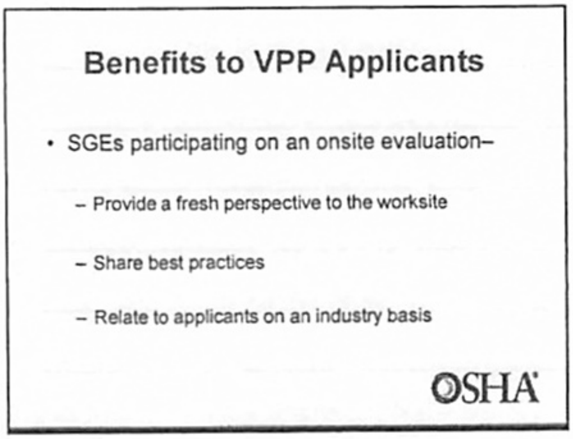


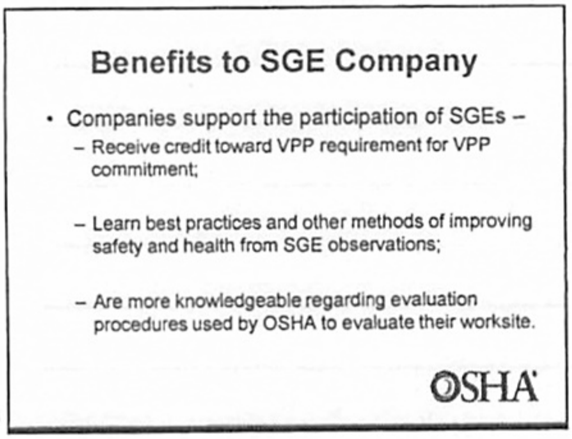
Benefits to OSHA

- The SGE Program provides OSHA and Industry with highly qualified and skilled safety and health experts, labor representatives, and employees with both specific industry experience and knowledge of the requirements of VPP.
- Tremendous pool of resources!



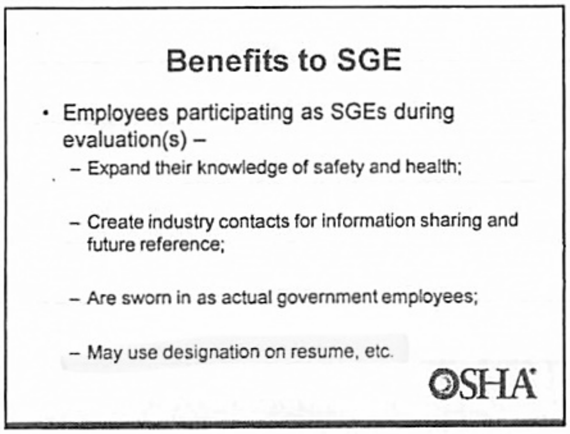
Benefits to VPP Applicants

- SGEs participating on an onsite evaluation–
  - Provide a fresh perspective to the worksite
  - Share best practices
  - Relate to applicants on an industry basis



Benefits to SGE Company

- Companies support the participation of SGEs –
  - Receive credit toward VPP requirement for VPP commitment;
  - Learn best practices and other methods of improving safety and health from SGE observations;
  - Are more knowledgeable regarding evaluation procedures used by OSHA to evaluate their worksite.



Benefits to SGE

- Employees participating as SGEs during evaluation(s) –
  - Expand their knowledge of safety and health;
  - Create industry contacts for information sharing and future reference;
  - Are sworn in as actual government employees;
  - May use designation on resume, etc.

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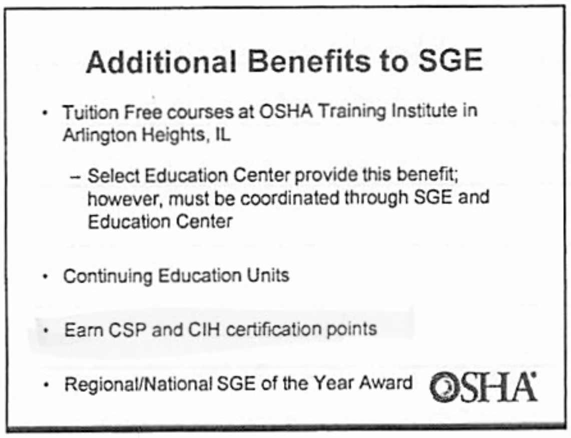
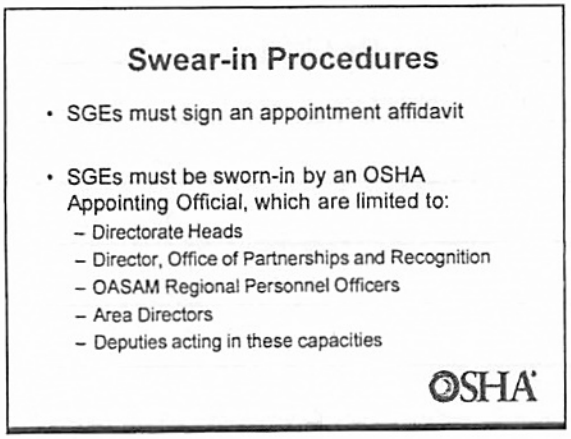


Additional Benefits to SGE

- Tuition Free courses at OSHA Training Institute in Arlington Heights, IL
  - Select Education Center provide this benefit; however, must be coordinated through SGE and Education Center
- Continuing Education Units
- Earn CSP and CIH certification points
- Regional/National SGE of the Year Award

OSHA

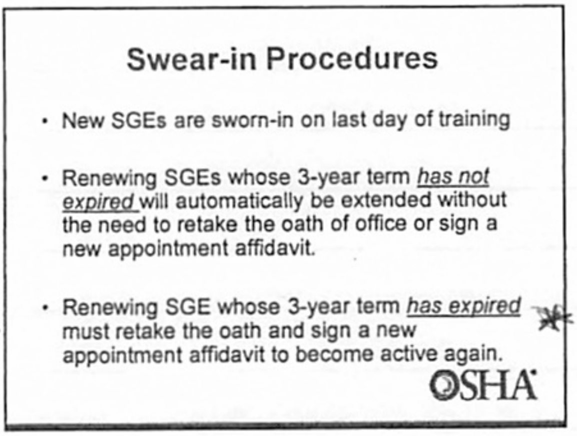


Swear-in Procedures

- SGEs must sign an appointment affidavit
- SGEs must be sworn-in by an OSHA Appointing Official, which are limited to:
  - Directorate Heads
  - Director, Office of Partnerships and Recognition
  - OASAM Regional Personnel Officers
  - Area Directors
  - Deputies acting in these capacities

OSHA

Dont let "SGE Appointment" expire. You must be sworn in by federal OSHA employee.



Swear-in Procedures

- New SGEs are sworn-in on last day of training
- Renewing SGEs whose 3-year term *has not expired* will automatically be extended without the need to retake the oath of office or sign a new appointment affidavit.
- * Renewing SGE whose 3-year term *has expired* * must retake the oath and sign a new appointment affidavit to become active again.

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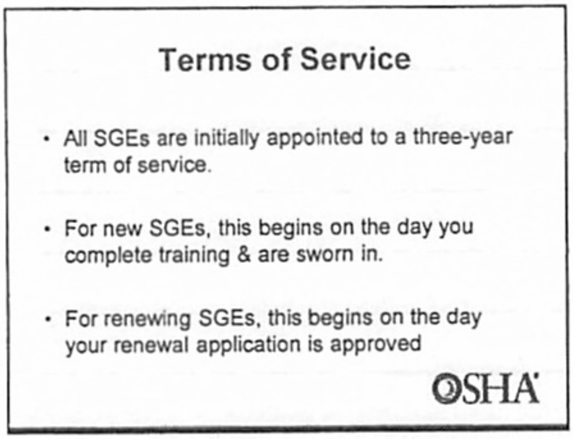
Keep in contact with VPP



Terms of Service

- All SGEs are initially appointed to a three-year term of service.
- For new SGEs, this begins on the day you complete training & are sworn in.
- For renewing SGEs, this begins on the day your renewal application is approved

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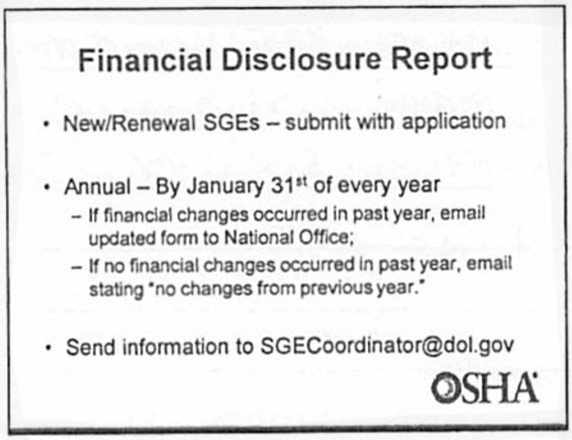
Must be on a VPP site to be an SGE



Financial Disclosure Report

- New/Renewal SGEs – submit with application
- Annual – By January 31st of every year
  - If financial changes occurred in past year, email updated form to National Office;
  - If no financial changes occurred in past year, email stating "no changes from previous year."
- Send information to SGECoordinator@dol.gov

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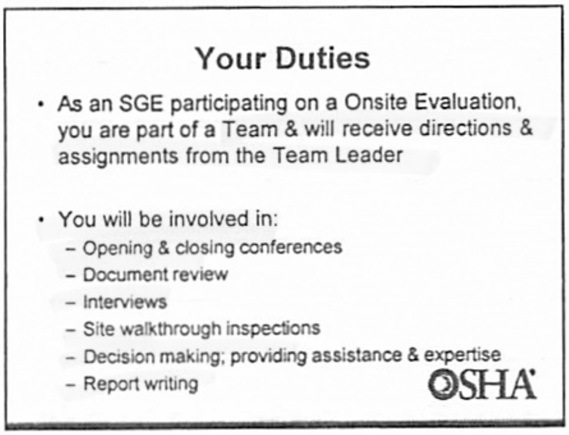
Need to update every year.



Your Duties

- As an SGE participating on a Onsite Evaluation, you are part of a Team & will receive directions & assignments from the Team Leader
- You will be involved in:
  - Opening & closing conferences
  - Document review
  - Interviews
  - Site walkthrough inspections
  - Decision making; providing assistance & expertise
  - Report writing

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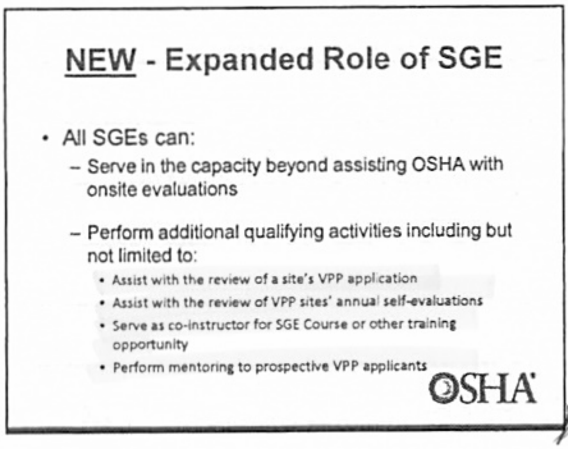

NEW - Expanded Role of SGE

- All SGEs can:
  - Serve in the capacity beyond assisting OSHA with onsite evaluations
  - Perform additional qualifying activities including but not limited to:
    - Assist with the review of a site's VPP application
    - Assist with the review of VPP sites' annual self-evaluations
    - Serve as co-instructor for SGE Course or other training opportunity
    - Perform mentoring to prospective VPP applicants

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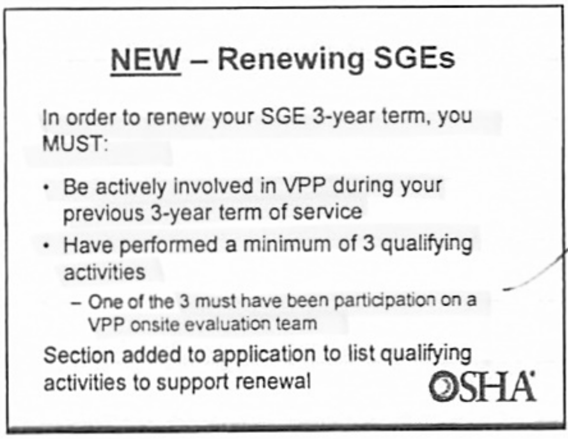

NEW – Renewing SGEs

In order to renew your SGE 3-year term, you MUST:

- Be actively involved in VPP during your previous 3-year term of service
- Have performed a minimum of 3 qualifying activities
  - One of the 3 must have been participation on a VPP onsite evaluation team

Section added to application to list qualifying activities to support renewal

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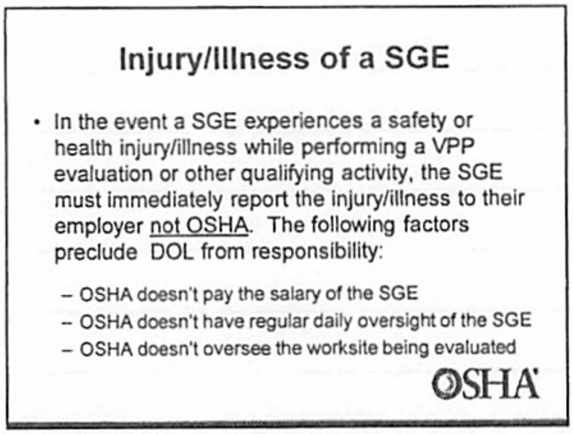
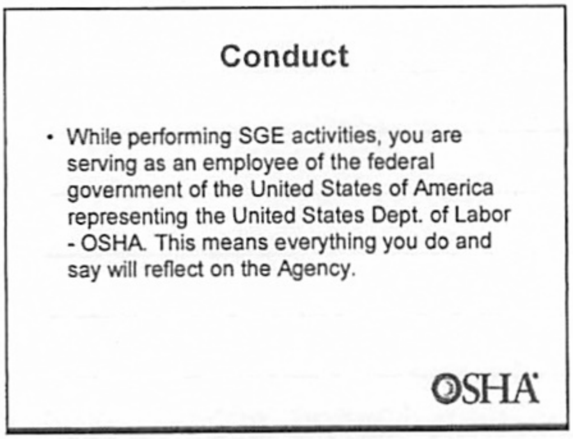


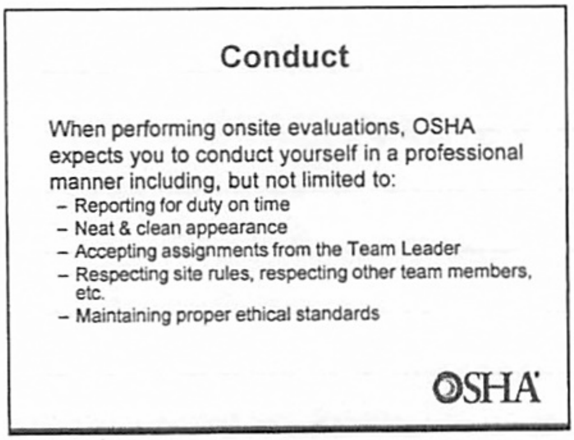
Injury/Illness of a SGE

- In the event a SGE experiences a safety or health injury/illness while performing a VPP evaluation or other qualifying activity, the SGE must immediately report the injury/illness to their employer not OSHA. The following factors preclude DOL from responsibility:
  - OSHA doesn't pay the salary of the SGE
  - OSHA doesn't have regular daily oversight of the SGE
  - OSHA doesn't oversee the worksite being evaluated



Conduct

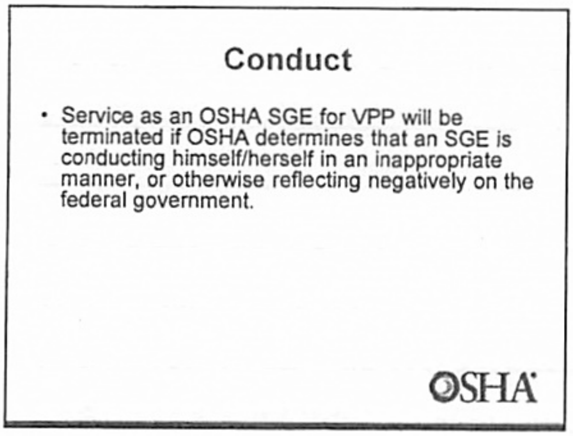
- While performing SGE activities, you are serving as an employee of the federal government of the United States of America representing the United States Dept. of Labor - OSHA. This means everything you do and say will reflect on the Agency.



Conduct

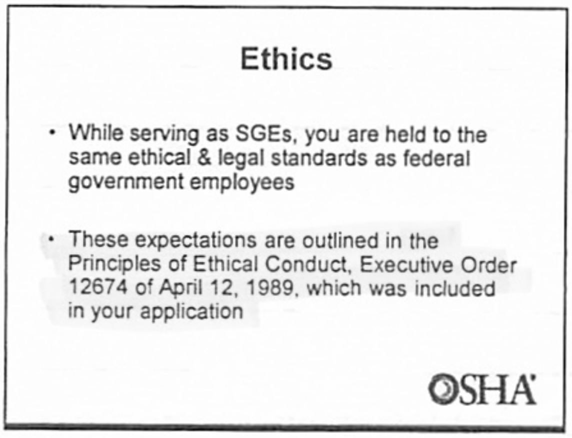
When performing onsite evaluations, OSHA expects you to conduct yourself in a professional manner including, but not limited to:

- Reporting for duty on time
- Neat & clean appearance
- Accepting assignments from the Team Leader
- Respecting site rules, respecting other team members, etc.
- Maintaining proper ethical standards



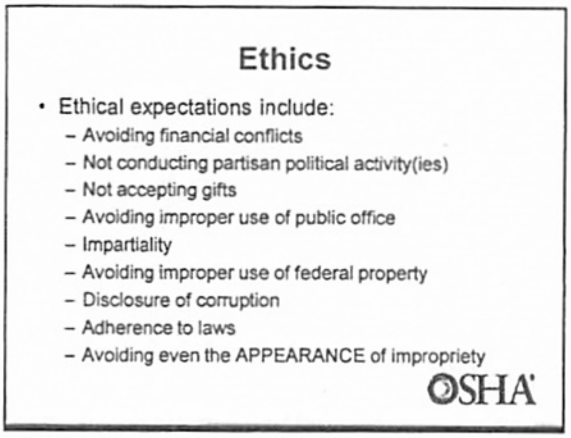
Conduct

- Service as an OSHA SGE for VPP will be terminated if OSHA determines that an SGE is conducting himself/herself in an inappropriate manner, or otherwise reflecting negatively on the federal government.



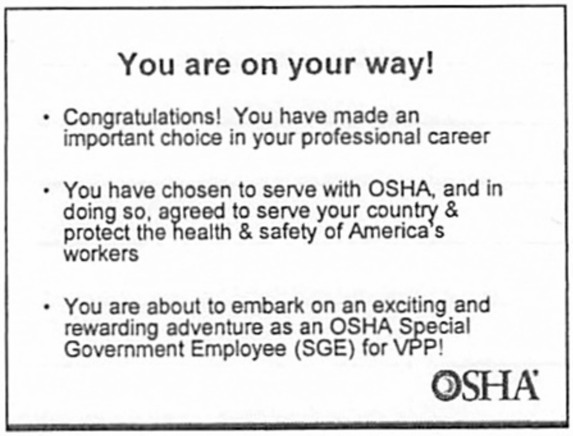
Ethics

- While serving as SGEs, you are held to the same ethical & legal standards as federal government employees
- These expectations are outlined in the Principles of Ethical Conduct, Executive Order 12674 of April 12, 1989, which was included in your application



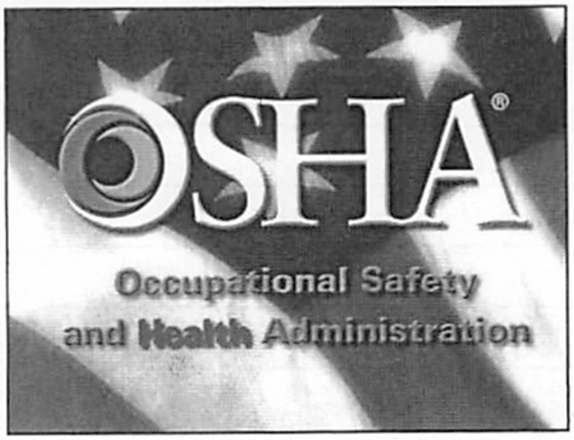
Ethics

- Ethical expectations include:
  - Avoiding financial conflicts
  - Not conducting partisan political activity(ies)
  - Not accepting gifts
  - Avoiding improper use of public office
  - Impartiality
  - Avoiding improper use of federal property
  - Disclosure of corruption
  - Adherence to laws
  - Avoiding even the APPEARANCE of impropriety



You are on your way!

- Congratulations! You have made an important choice in your professional career
- You have chosen to serve with OSHA, and in doing so, agreed to serve your country & protect the health & safety of America's workers
- You are about to embark on an exciting and rewarding adventure as an OSHA Special Government Employee (SGE) for VPP!



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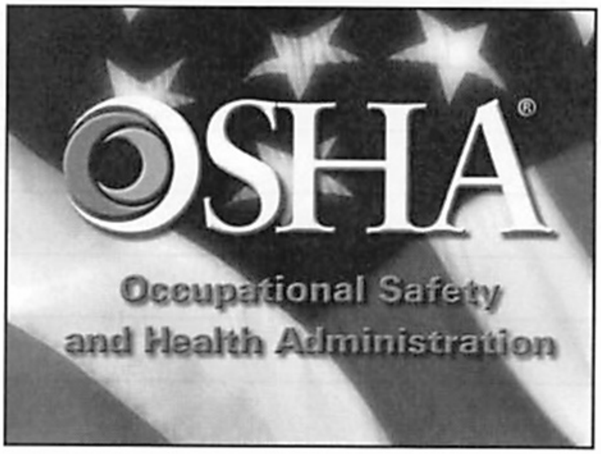
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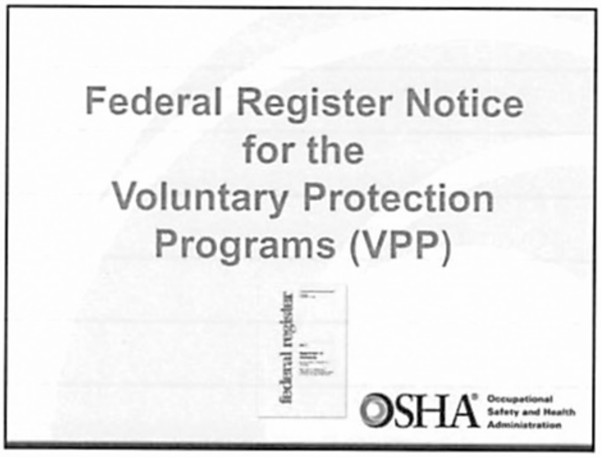
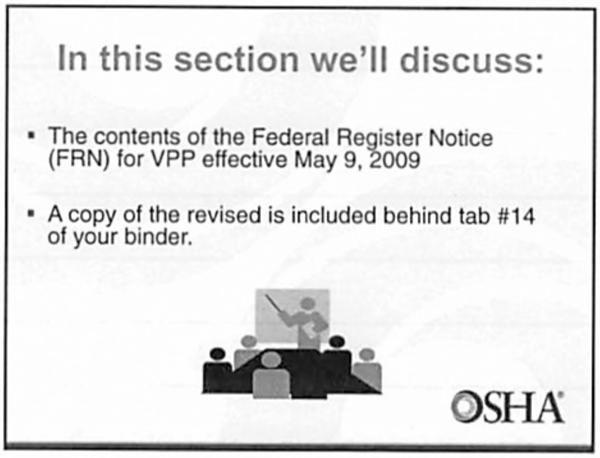


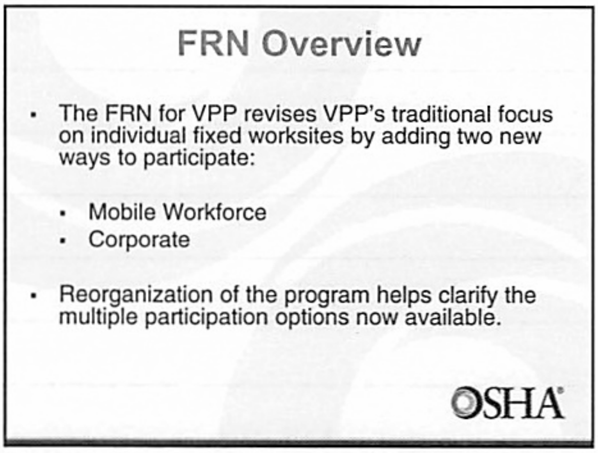
Federal Register Notice for the Voluntary Protection Programs (VPP)

federal register
OSHA® Occupational Safety and Health Administration



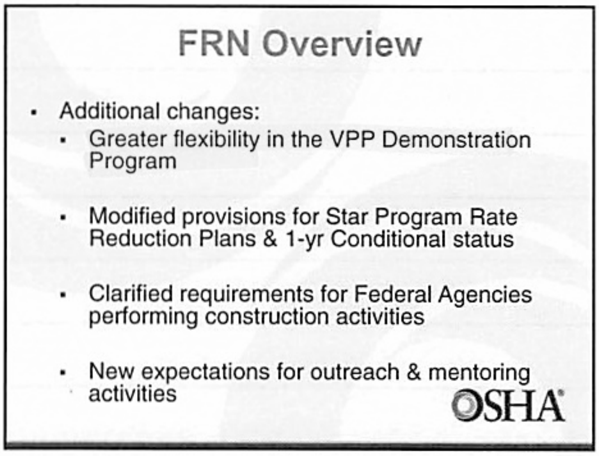
In this section we'll discuss:

- The contents of the Federal Register Notice (FRN) for VPP effective May 9, 2009
- A copy of the revised is included behind tab #14 of your binder.



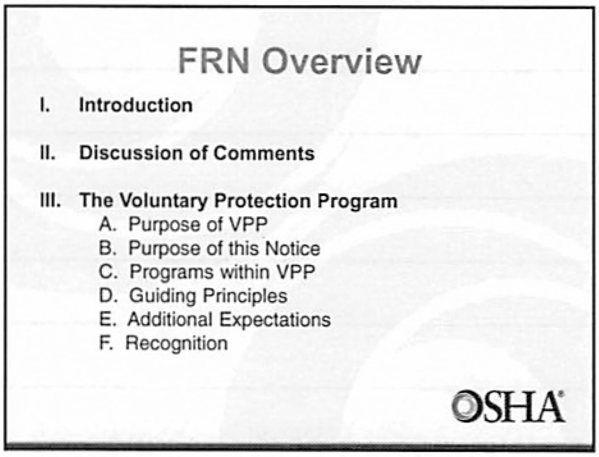
FRN Overview

- The FRN for VPP revises VPP's traditional focus on individual fixed worksites by adding two new ways to participate:
  - Mobile Workforce
  - Corporate
- Reorganization of the program helps clarify the multiple participation options now available.



FRN Overview

- Additional changes:
  - Greater flexibility in the VPP Demonstration Program
  - Modified provisions for Star Program Rate Reduction Plans & 1-yr Conditional status
  - Clarified requirements for Federal Agencies performing construction activities
  - New expectations for outreach & mentoring activities

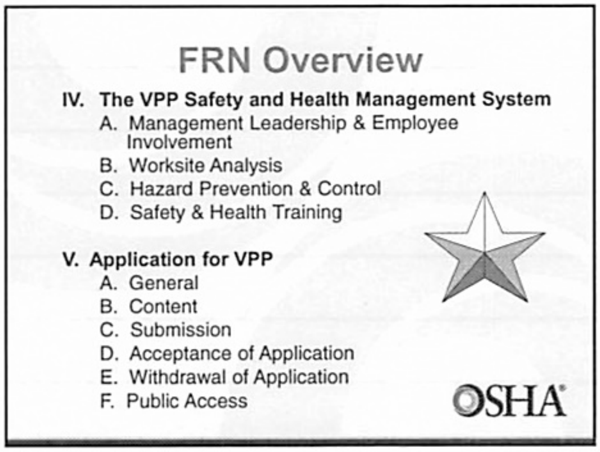


FRN Overview

I. Introduction

II. Discussion of Comments

III. The Voluntary Protection Program
- A. Purpose of VPP
- B. Purpose of this Notice
- C. Programs within VPP
- D. Guiding Principles
- E. Additional Expectations
- F. Recognition



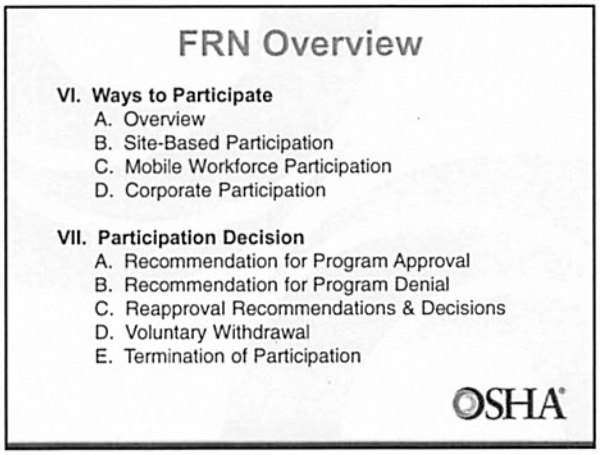
FRN Overview

IV. The VPP Safety and Health Management System

- A. Management Leadership & Employee Involvement
- B. Worksite Analysis
- C. Hazard Prevention & Control
- D. Safety & Health Training

V. Application for VPP

- A. General
- B. Content
- C. Submission
- D. Acceptance of Application
- E. Withdrawal of Application
- F. Public Access



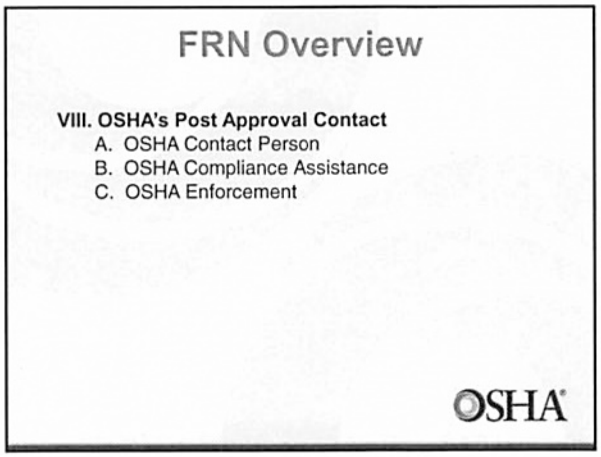
FRN Overview

VI. Ways to Participate

- A. Overview
- B. Site-Based Participation
- C. Mobile Workforce Participation
- D. Corporate Participation

VII. Participation Decision

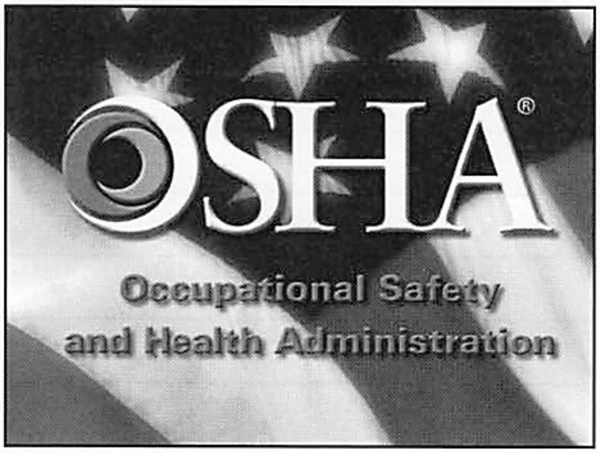
- A. Recommendation for Program Approval
- B. Recommendation for Program Denial
- C. Reapproval Recommendations & Decisions
- D. Voluntary Withdrawal
- E. Termination of Participation



FRN Overview

VIII. OSHA's Post Approval Contact

- A. OSHA Contact Person
- B. OSHA Compliance Assistance
- C. OSHA Enforcement



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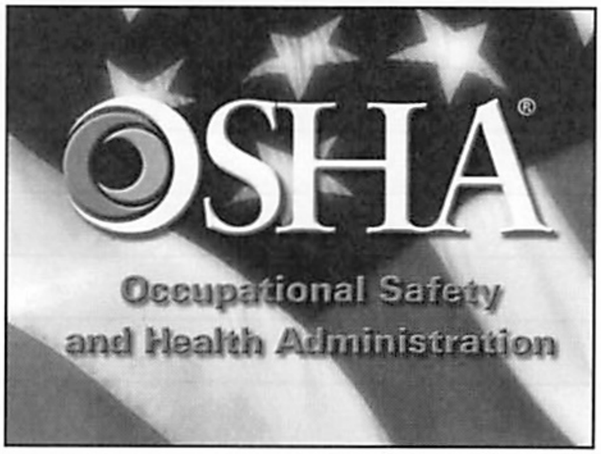

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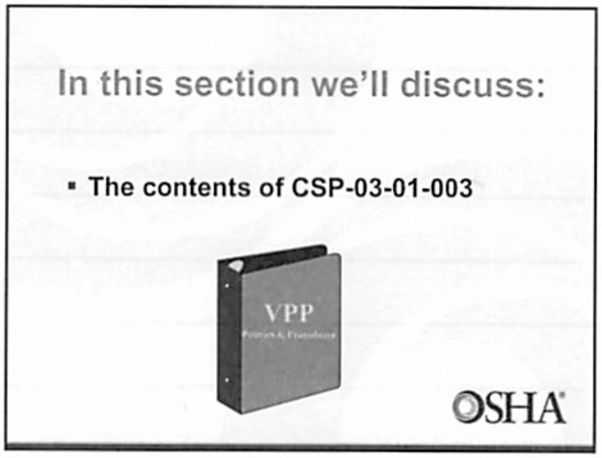
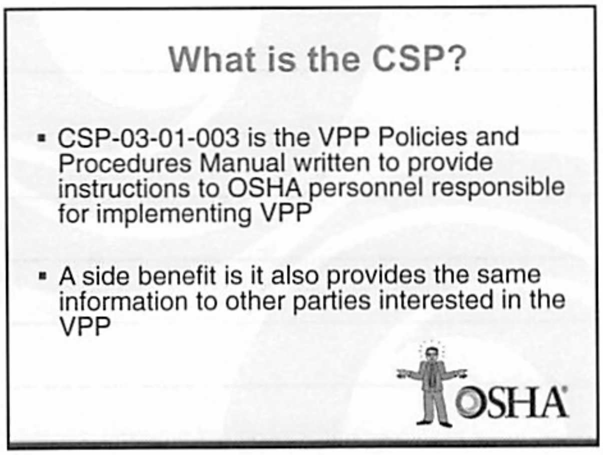
Occupational Safety and Health Administration

Overview of CSP-03-01-003 VPP Policies & Procedures Manual

In this section we'll discuss:

- The contents of CSP-03-01-003

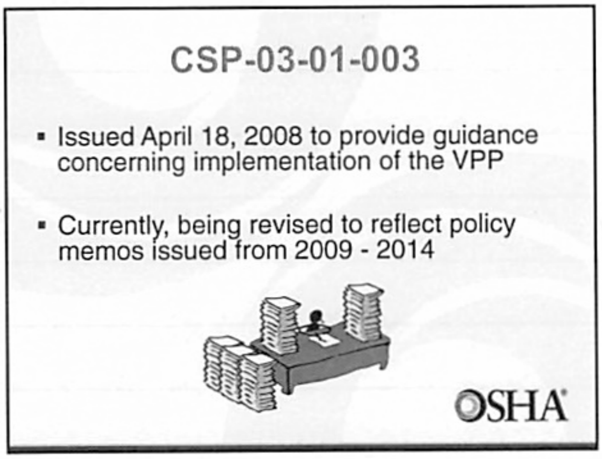

VPP
Policies & Procedures



What is the CSP?

- CSP-03-01-003 is the VPP Policies and Procedures Manual written to provide instructions to OSHA personnel responsible for implementing VPP
- A side benefit is it also provides the same information to other parties interested in the VPP

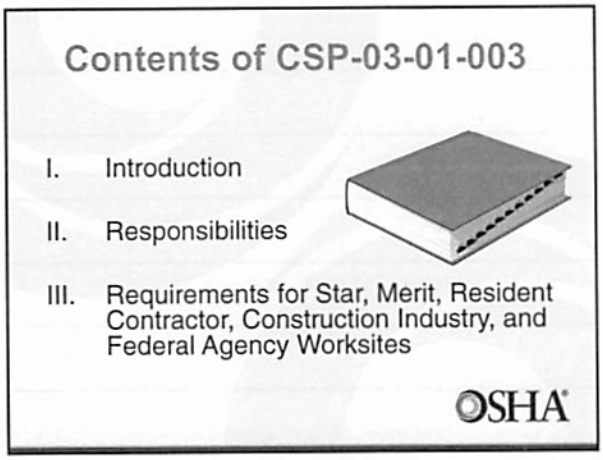
OSHA



CSP-03-01-003

- Issued April 18, 2008 to provide guidance concerning implementation of the VPP
- Currently, being revised to reflect policy memos issued from 2009 - 2014

OSHA



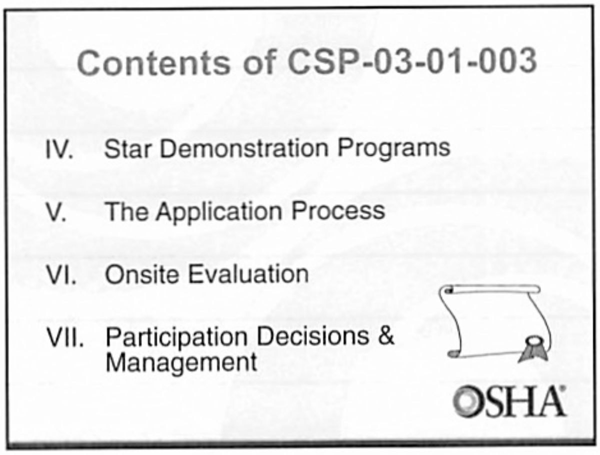
Contents of CSP-03-01-003

I. Introduction

II. Responsibilities

III. Requirements for Star, Merit, Resident Contractor, Construction Industry, and Federal Agency Worksites

OSHA



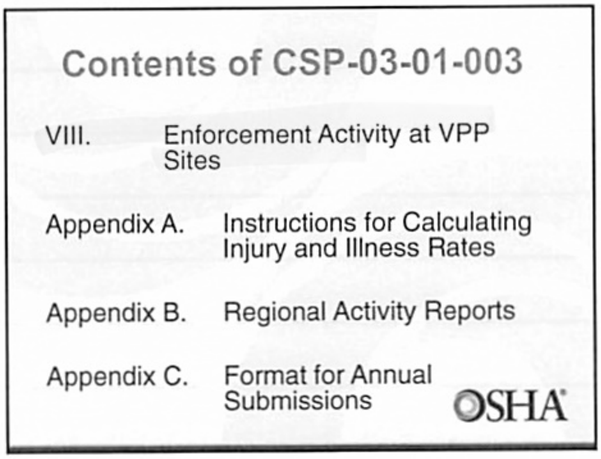
Contents of CSP-03-01-003

IV. Star Demonstration Programs

V. The Application Process

VI. Onsite Evaluation

VII. Participation Decisions & Management



Contents of CSP-03-01-003

VIII. Enforcement Activity at VPP Sites

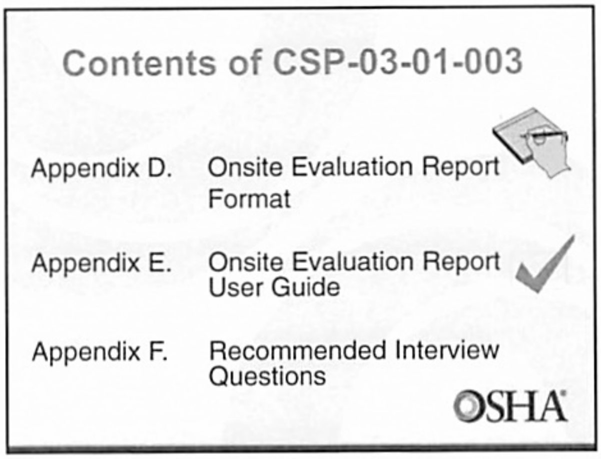
Appendix A. Instructions for Calculating Injury and Illness Rates

Appendix B. Regional Activity Reports

Appendix C. Format for Annual Submissions

Know

- How you calculate your rates
↳ send data NAICS

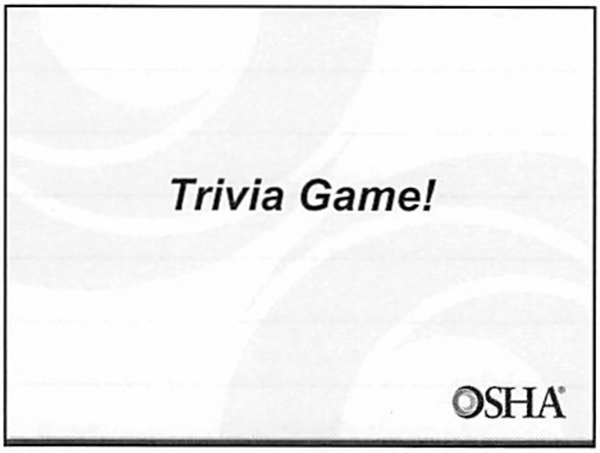


Contents of CSP-03-01-003

Appendix D. Onsite Evaluation Report Format

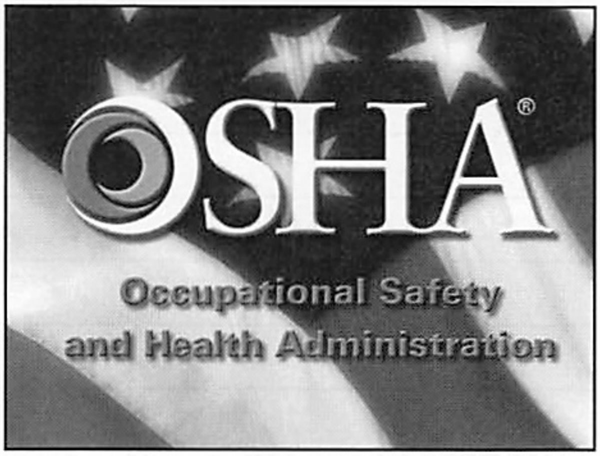
Appendix E. Onsite Evaluation Report User Guide

Appendix F. Recommended Interview Questions



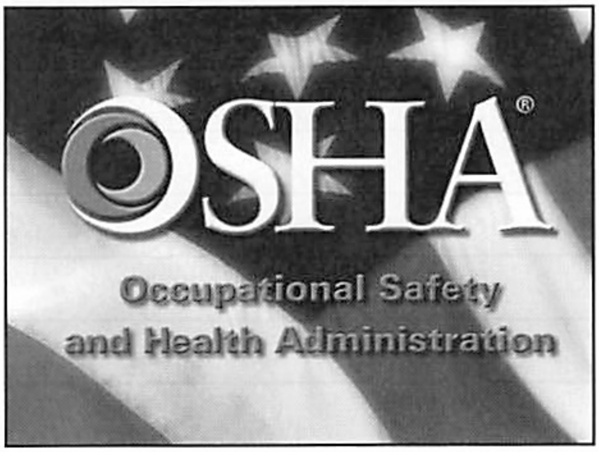
Trivia Game!

OSHA



OSHA

Occupational Safety and Health Administration



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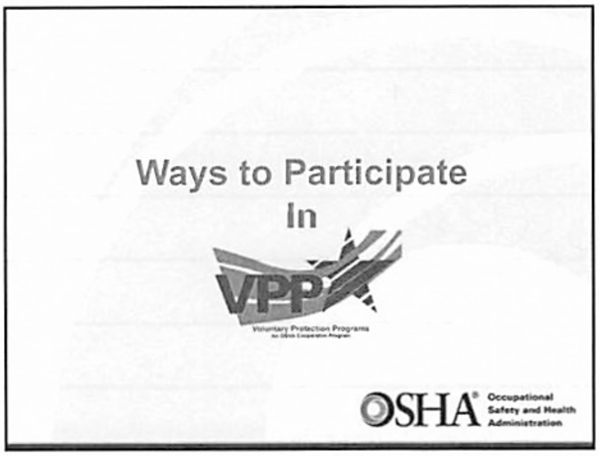
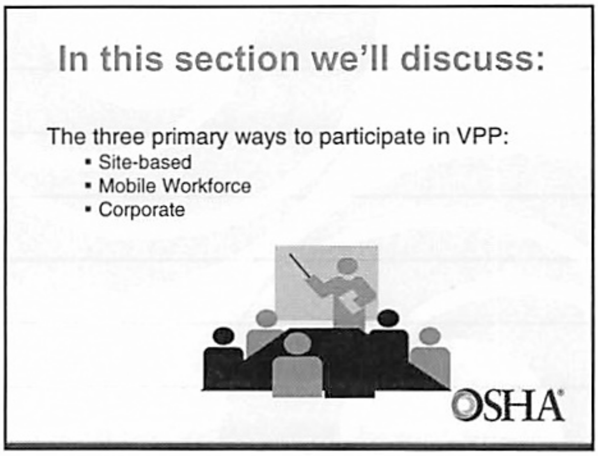
and Health Administration



Ways to Participate In

VPP
Voluntary Protection Programs

OSHA® Occupational Safety and Health Administration



In this section we'll discuss:

The three primary ways to participate in VPP:

- Site-based
- Mobile Workforce
- Corporate

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Site-based

- Continues VPP's traditional acceptance of applications from fixed worksites and some long-term construction sites. Who is eligible.....
  - Private sector fixed worksites
  - Construction worksites/projects in operation for a year & expected to continue for a year or more
  - Federal Agencies
  - Resident contractors at site-based VPP participants

OSHA

Site-based

- *Employee Support for VPP*
  - Employees and unions (if applicable) must support VPP application
- *Compliance with OSH Act*
  - Correct deficiencies promptly
  - Employer and employee rights
- *OSHA History*
  - No pending/open contested citations
  - No affirmed willful or 11(c) violation 3 years prior
  - No unresolved/outstanding enforcement issues

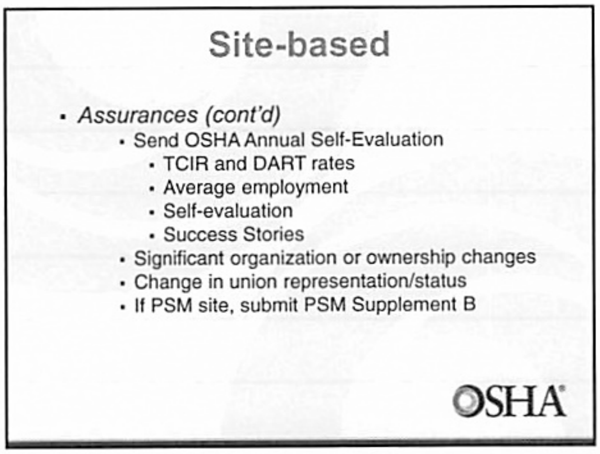
OSHA

site specific OSHA history.

Site-based

- *Assurances*
  - What the applicant agrees to do if OSHA approves the application:
    - Correct hazards in timely manner
    - Correct deficiencies related to OSHA requirements
    - Maintain VPP elements
    - All employees have VPP explained to them
    - Protection from discriminatory actions
    - Employee access to results of S&H data
    - Make available to OSHA necessary documents

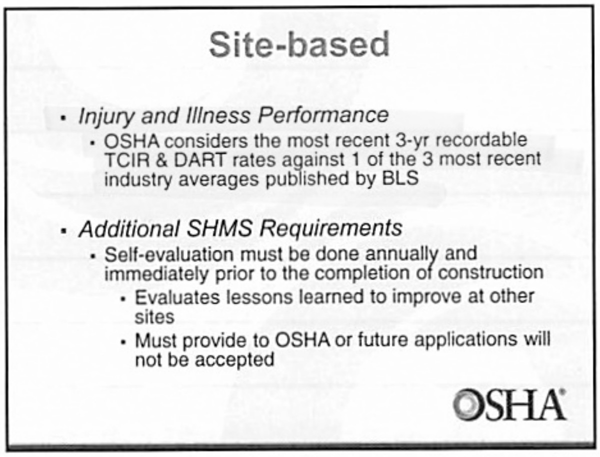
OSHA



Site-based

- *Assurances (cont'd)*
  - Send OSHA Annual Self-Evaluation
    - TCIR and DART rates
    - Average employment
    - Self-evaluation
    - Success Stories
  - Significant organization or ownership changes
  - Change in union representation/status
  - If PSM site, submit PSM Supplement B

OSHA®



Site-based

- *Injury and Illness Performance*
  - OSHA considers the most recent 3-yr recordable TCIR & DART rates against 1 of the 3 most recent industry averages published by BLS
- *Additional SHMS Requirements*
  - Self-evaluation must be done annually and immediately prior to the completion of construction
    - Evaluates lessons learned to improve at other sites
    - Must provide to OSHA or future applications will not be accepted

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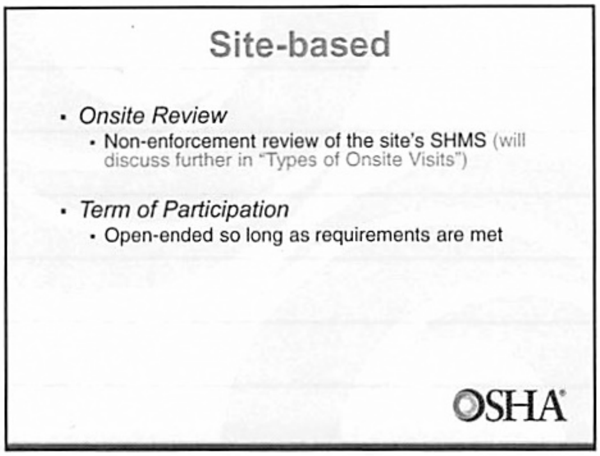

Site-based

- *Onsite Review*
  - Non-enforcement review of the site's SHMS (will discuss further in "Types of Onsite Visits")
- *Term of Participation*
  - Open-ended so long as requirements are met

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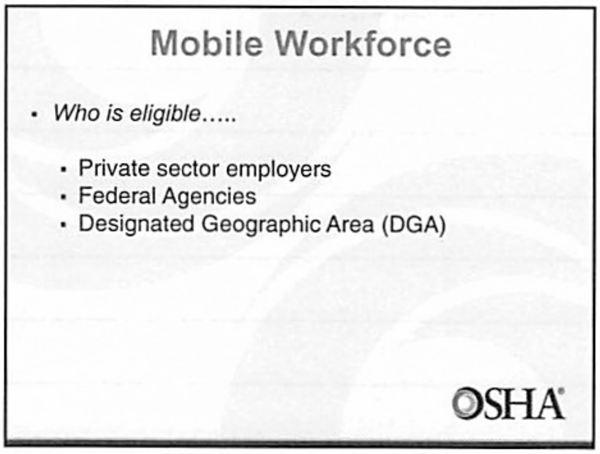
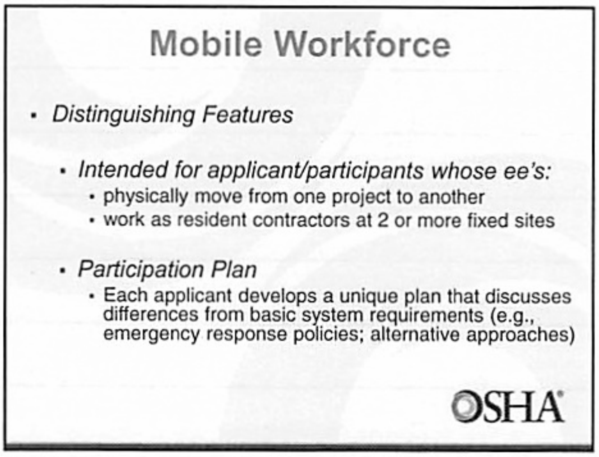


Mobile Workforce

- *Who is eligible…..*
  - Private sector employers
  - Federal Agencies
  - Designated Geographic Area (DGA)

OSHA®



Mobile Workforce

- *Distinguishing Features*
  - *Intended for applicant/participants whose ee's:*
    - physically move from one project to another
    - work as resident contractors at 2 or more fixed sites
  - *Participation Plan*
    - Each applicant develops a unique plan that discusses differences from basic system requirements (e.g., emergency response policies; alternative approaches)

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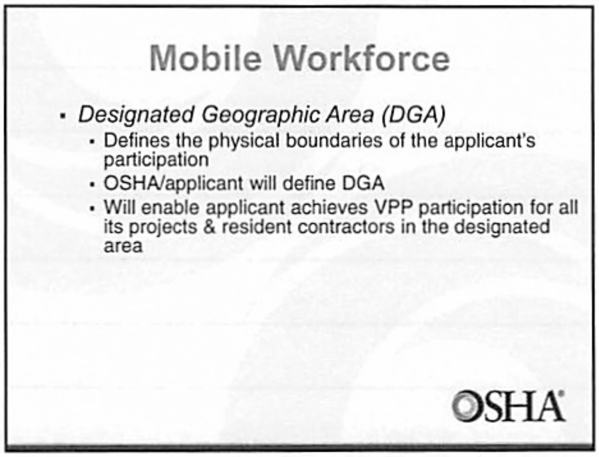


Mobile Workforce

- *Designated Geographic Area (DGA)*
  - Defines the physical boundaries of the applicant's participation
  - OSHA/applicant will define DGA
  - Will enable applicant achieves VPP participation for all its projects & resident contractors in the designated area

OSHA®

Mobile Workforce

- *Union Support*
  - If majority of employees represented by union, then a signed statement is required
  - If, less than majority or none, then no union statement
- *OSHA History (within DGA)*
  - No pending/open contested citations
  - No affirmed willful or 11 (c) violation 3 years prior
  - No unresolved/outstanding enforcement issues

OSHA

Mobile Workforce

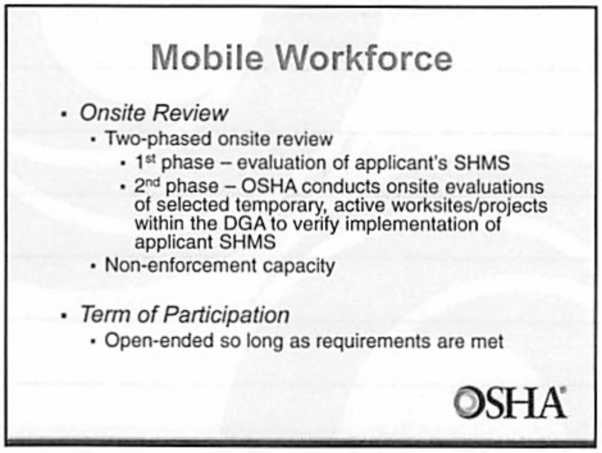
- *Assurances -*
  - Same as site-based with the following additions
    - Systems and procedures of the SHMS in place at all work projects & assure VPP quality s&h protection throughout the DGA
- *Injury and Illness Performance*
  - OSHA considers the most recent 3-year recordable TCIR & DART rates for all work conducted within the DGA (including contractor/subcontractors) and compares with industry average by BLS (will discuss further in "Programs in VPP")

OSHA

Mobile Workforce

- *Additional SHMS Requirements*
  - Applicant SHMS must be fully established at Star level and cover all elements of VPP
  - Applicant must provide thorough, documented oversight and management of all contractors and subcontractors, to include:
    - Specific procedures for S&H performance
    - Rigorous oversight for all employees
  - Applicant must perform routine inspections of all active worksites within DGA

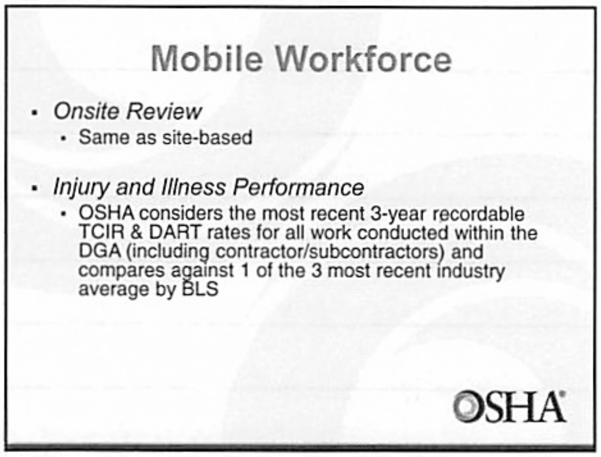
OSHA



Mobile Workforce

- *Onsite Review*
  - Two-phased onsite review
    - 1st phase – evaluation of applicant's SHMS
    - 2nd phase – OSHA conducts onsite evaluations of selected temporary, active worksites/projects within the DGA to verify implementation of applicant SHMS
  - Non-enforcement capacity
- *Term of Participation*
  - Open-ended so long as requirements are met

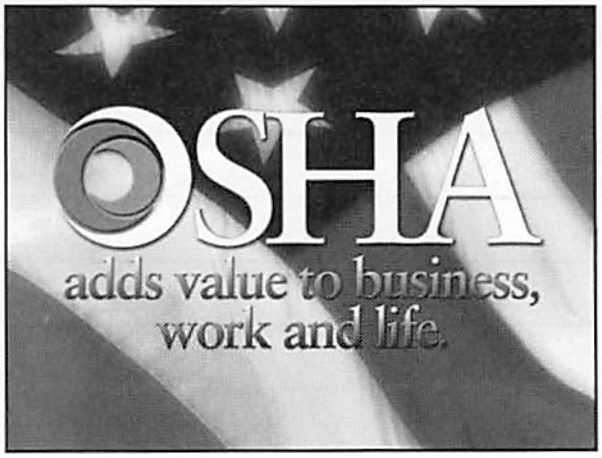
OSHA



Mobile Workforce

- *Onsite Review*
  - Same as site-based
- *Injury and Illness Performance*
  - OSHA considers the most recent 3-year recordable TCIR & DART rates for all work conducted within the DGA (including contractor/subcontractors) and compares against 1 of the 3 most recent industry average by BLS

OSHA


OSHA
adds value to business, work and life.

Corporate

- *Who is eligible…..*
  - Private sector employers
  - Federal Agencies

OSHA

Corporate

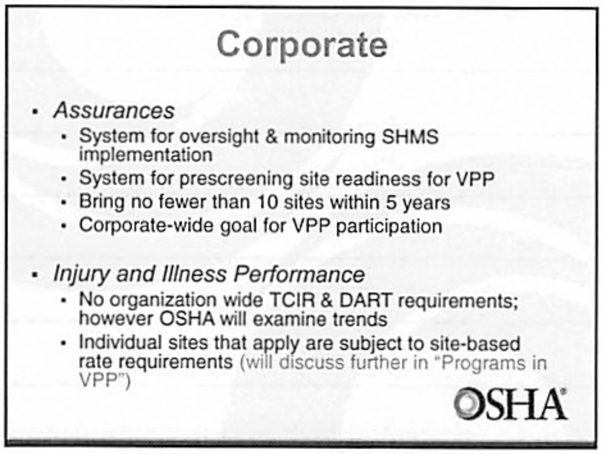
- *Distinguishing Features…..*
  - *Large organizations*
    - committed to bringing multiple individual sites and/or sites within a DGA within the organization
    - Utilize a standardized SHMS at all sites
    - Employ prescreening processes to ensure their sites are ready for onsite evaluations

OSHA

Corporate

- *Union Support*
  - Employees and unions (if applicable) must support VPP application
- *OSHA History (organization wide)*
  - No pending/open contested citations
  - No affirmed willful or 11(c) violation 3 years prior
  - No unresolved/outstanding enforcement issues

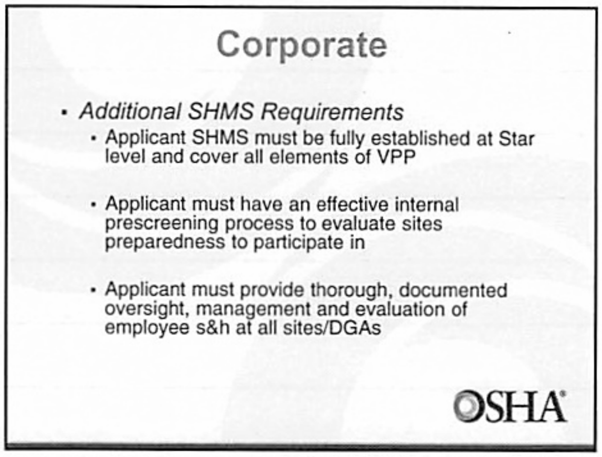
OSHA



Corporate

- *Assurances*
  - System for oversight & monitoring SHMS implementation
  - System for prescreening site readiness for VPP
  - Bring no fewer than 10 sites within 5 years
  - Corporate-wide goal for VPP participation
- *Injury and Illness Performance*
  - No organization wide TCIR & DART requirements; however OSHA will examine trends
  - Individual sites that apply are subject to site-based rate requirements (will discuss further in "Programs in VPP")

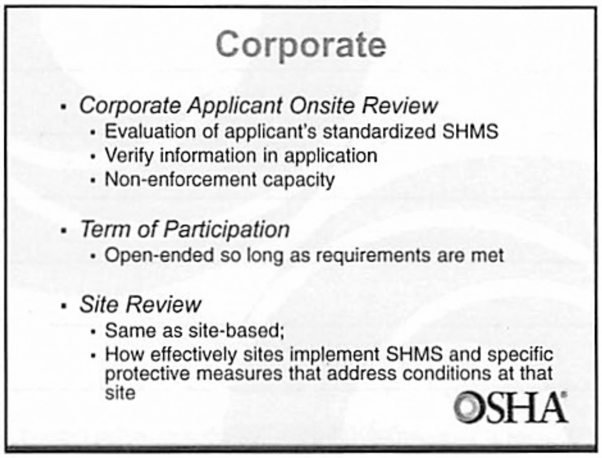
OSHA



Corporate

- *Additional SHMS Requirements*
  - Applicant SHMS must be fully established at Star level and cover all elements of VPP
  - Applicant must have an effective internal prescreening process to evaluate sites preparedness to participate in
  - Applicant must provide thorough, documented oversight, management and evaluation of employee s&h at all sites/DGAs

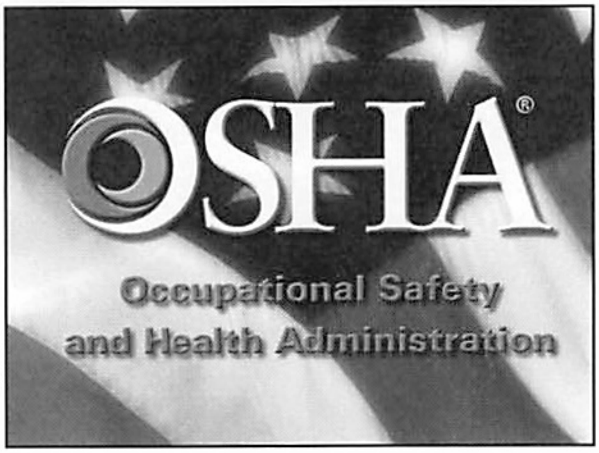
OSHA



Corporate

- *Corporate Applicant Onsite Review*
  - Evaluation of applicant's standardized SHMS
  - Verify information in application
  - Non-enforcement capacity
- *Term of Participation*
  - Open-ended so long as requirements are met
- *Site Review*
  - Same as site-based;
  - How effectively sites implement SHMS and specific protective measures that address conditions at that site

OSHA



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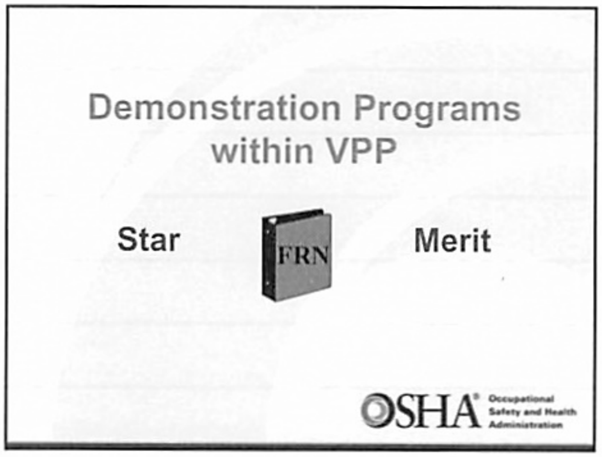
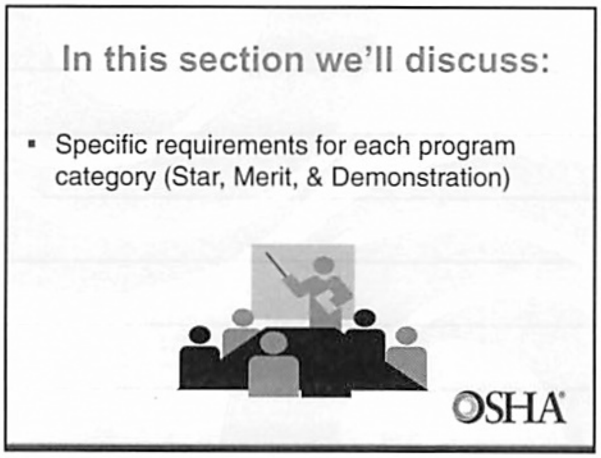


Demonstration Programs within VPP

Star

Merit

OSHA® Occupational Safety and Health Administration



In this section we'll discuss:

- Specific requirements for each program category (Star, Merit, & Demonstration)

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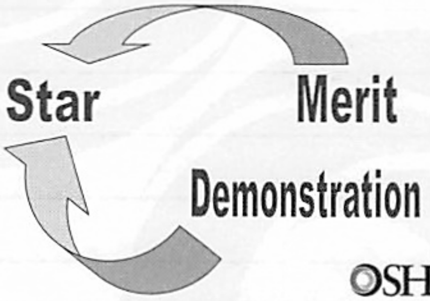
Programs in VPP



Star

Merit

Demonstration

OSHA

General Requirements for VPP participation

- Meet eligibility requirements for application
- Site must work toward & exceed OSHA requirements
- Program must show continuous improvement

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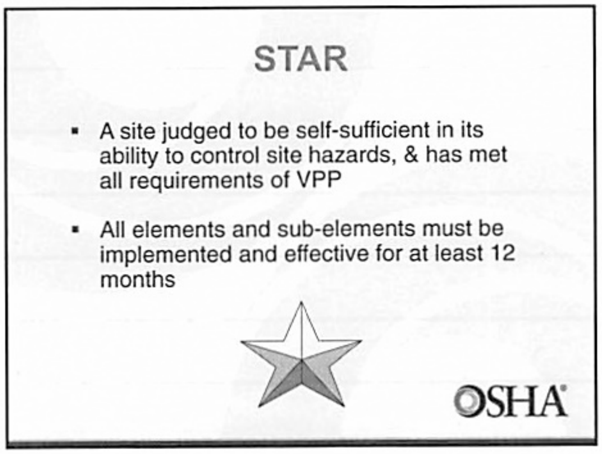
General Requirements for VPP participation

- Safety and Health Management System, include:
  - Management Leadership & Employee Involvement (involvin'em)
  - Worksite Analysis (findin'em)
  - Hazard Prevention & Control (fixin'em)
  - Safety & Health Training (educatin'em)

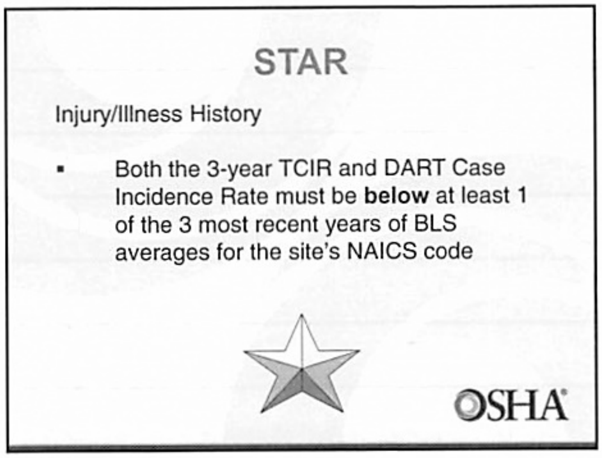
OSHA



STAR

- A site judged to be self-sufficient in its ability to control site hazards, & has met all requirements of VPP
- All elements and sub-elements must be implemented and effective for at least 12 months

OSHA

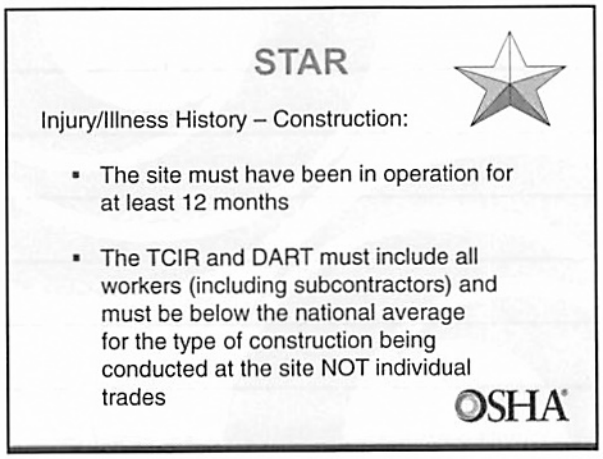


STAR

Injury/Illness History

- Both the 3-year TCIR and DART Case Incidence Rate must be **below** at least 1 of the 3 most recent years of BLS averages for the site's NAICS code

OSHA



STAR

Injury/Illness History – Construction:

- The site must have been in operation for at least 12 months
- The TCIR and DART must include all workers (including subcontractors) and must be below the national average for the type of construction being conducted at the site NOT individual trades

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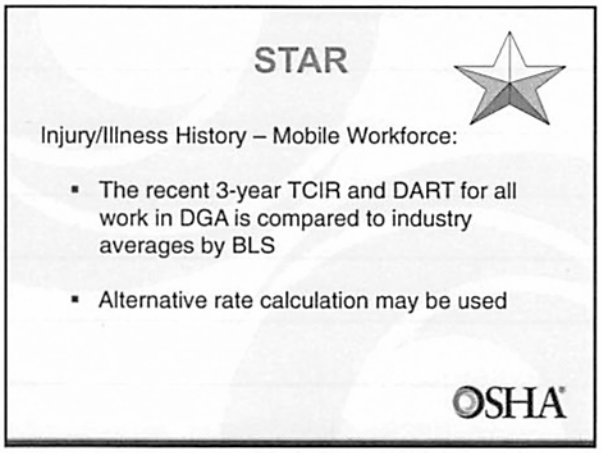
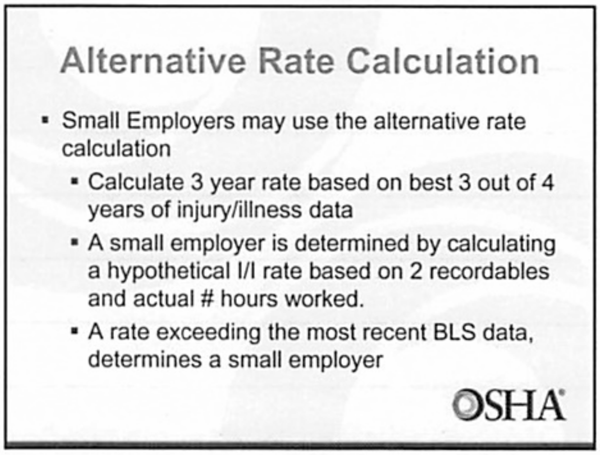


STAR

Injury/Illness History – Mobile Workforce:

- The recent 3-year TCIR and DART for all work in DGA is compared to industry averages by BLS
- Alternative rate calculation may be used

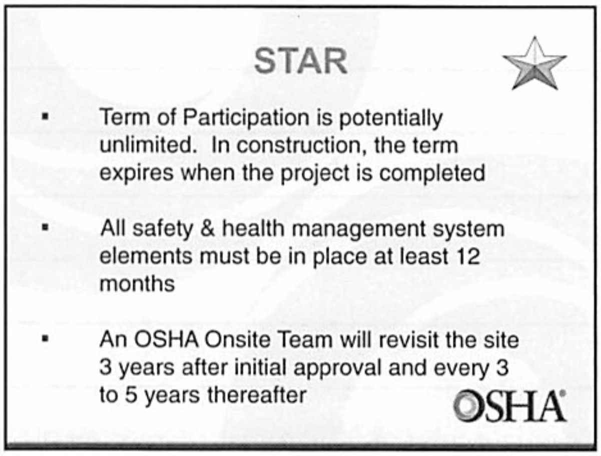
OSHA



Alternative Rate Calculation

- Small Employers may use the alternative rate calculation
  - Calculate 3 year rate based on best 3 out of 4 years of injury/illness data
  - A small employer is determined by calculating a hypothetical I/I rate based on 2 recordables and actual # hours worked.
  - A rate exceeding the most recent BLS data, determines a small employer

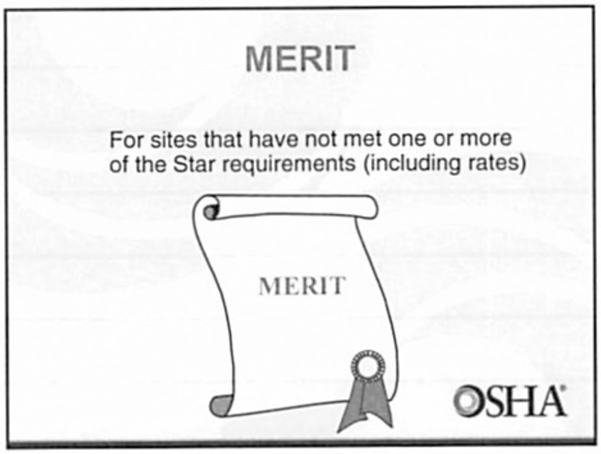
OSHA



STAR

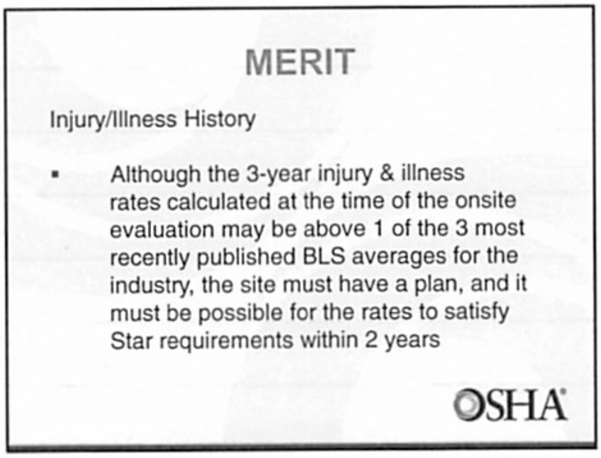
- Term of Participation is potentially unlimited. In construction, the term expires when the project is completed
- All safety & health management system elements must be in place at least 12 months
- An OSHA Onsite Team will revisit the site 3 years after initial approval and every 3 to 5 years thereafter

OSHA



MERIT

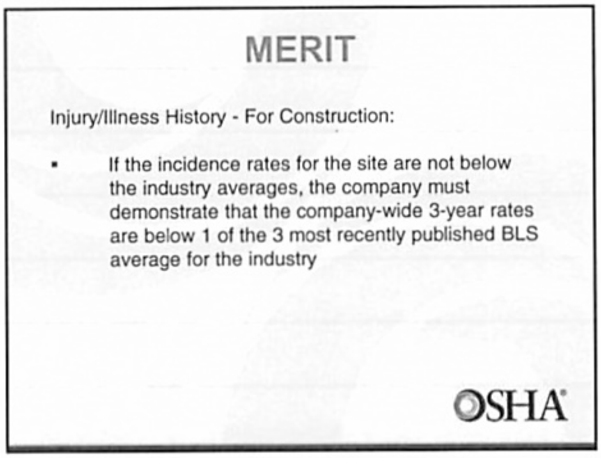
For sites that have not met one or more of the Star requirements (including rates)



MERIT

Injury/Illness History

- Although the 3-year injury & illness rates calculated at the time of the onsite evaluation may be above 1 of the 3 most recently published BLS averages for the industry, the site must have a plan, and it must be possible for the rates to satisfy Star requirements within 2 years



MERIT

Injury/Illness History - For Construction:

- If the incidence rates for the site are not below the industry averages, the company must demonstrate that the company-wide 3-year rates are below 1 of the 3 most recently published BLS average for the industry

MERIT

Injury/Illness History – Mobile Workforce:

- Same as site-based; applicant must have a plan to achieve Star rate requirements within 2 years

OSHA

MERIT

- Must be willing & able to satisfy Star requirements within 3 years
- Some of these elements may need to be improved. Such improvement will be addressed as Merit goals
- All 4 basic safety and health elements must be in place and operational at time of approval for Merit, although specific sub-elements may not be in place

OSHA

MERIT

- Merit Goals will be established for program deficiencies
- Deficiencies related to compliance with OSHA rules will be listed as
  - Site-based - 90-days items
  - Mobile Workforce - 30 days items
- Discussion of the progress towards reaching Merit goals must be included in the site's annual evaluation

OSHA

MERIT

Terms of Participation:

- Merit program participation is limited to 3 years
- Specific length of time is dependent on time necessary to accomplish goals
- Participation is canceled at the end of the term, unless a 2nd term is approved by the Assistant Secretary…..2nd terms are very unusual!

OSHA

DEMONSTRATION

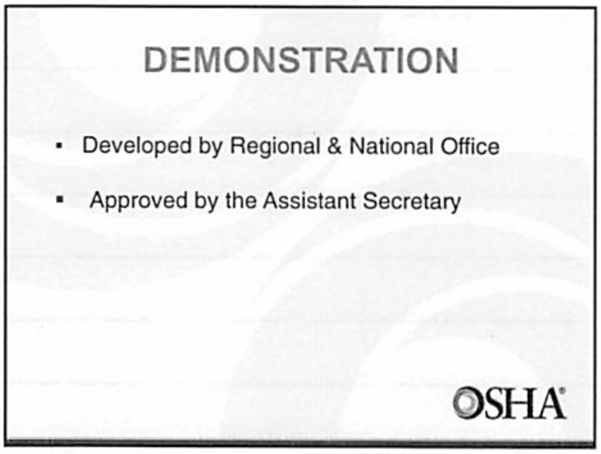
- For demonstration and/or testing of experimental approaches which differ from traditional Star or Merit requirements
- Current Demonstration Program includes:
  - Resident Contractors at non-VPP sites

OSHA

DEMONSTRATION

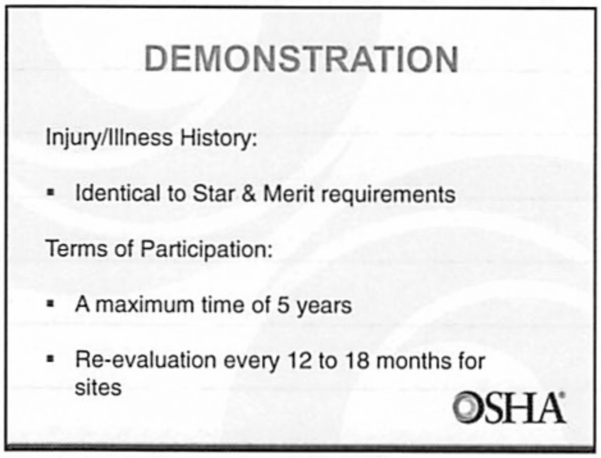
- How the elements will be implemented may be the subject of the demonstration program so long as the high quality protection is afforded to all employees and contractors

OSHA



DEMONSTRATION

- Developed by Regional & National Office
- Approved by the Assistant Secretary



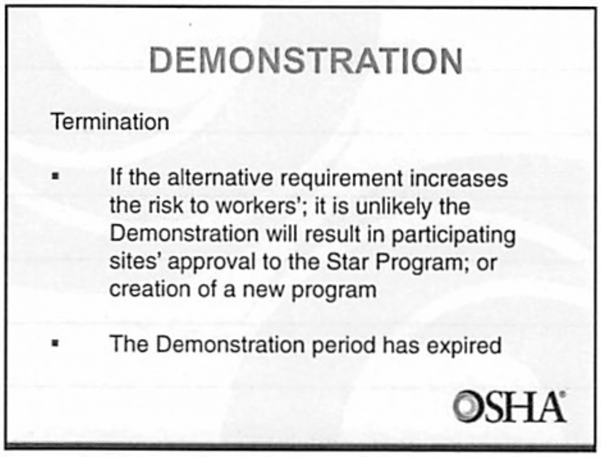
DEMONSTRATION

Injury/Illness History:

- Identical to Star & Merit requirements

Terms of Participation:

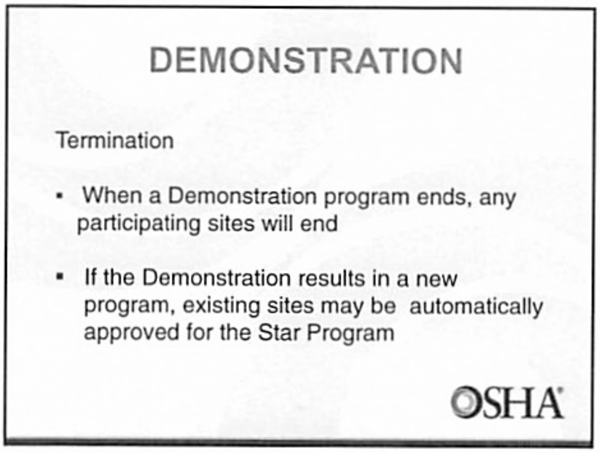
- A maximum time of 5 years
- Re-evaluation every 12 to 18 months for sites



DEMONSTRATION

Termination

- If the alternative requirement increases the risk to workers'; it is unlikely the Demonstration will result in participating sites' approval to the Star Program; or creation of a new program
- The Demonstration period has expired

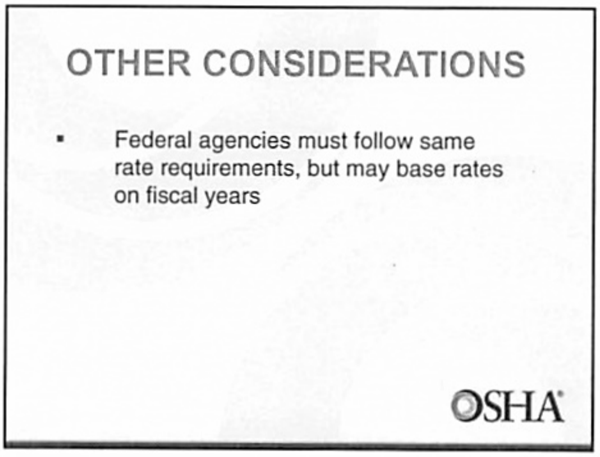


DEMONSTRATION

Termination

- When a Demonstration program ends, any participating sites will end
- If the Demonstration results in a new program, existing sites may be automatically approved for the Star Program

OSHA



OTHER CONSIDERATIONS

- Federal agencies must follow same rate requirements, but may base rates on fiscal years

OSHA

OSHA®

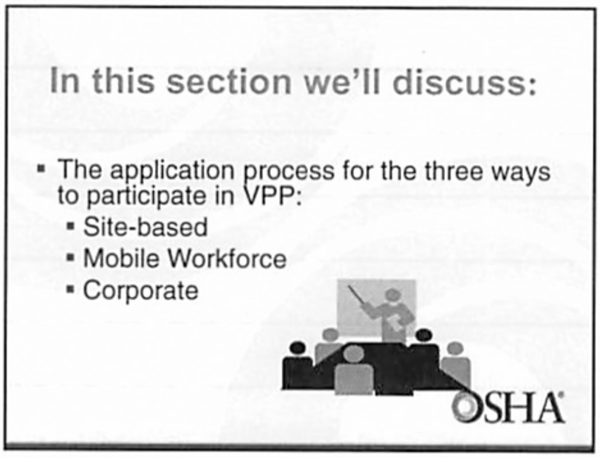
Occupational Safety and Health Administration

OSHA®

Occupational Safety and Health Administration

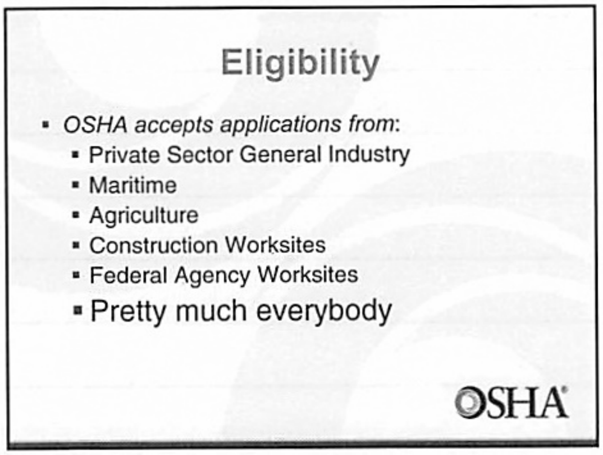
Application Eligibility Requirements

OSHA® Occupational Safety and Health Administration


In this section we'll discuss:

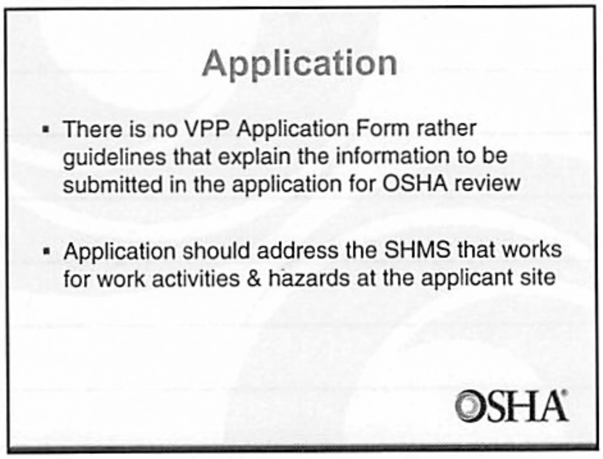
- The application process for the three ways to participate in VPP:
  - Site-based
  - Mobile Workforce
  - Corporate

OSHA®



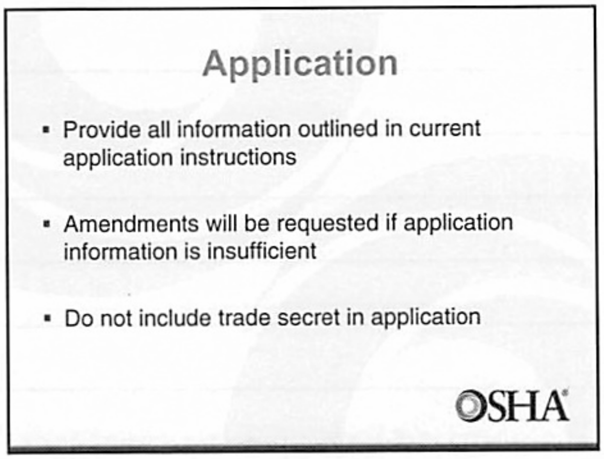
Eligibility

- *OSHA accepts applications from:*
  - Private Sector General Industry
  - Maritime
  - Agriculture
  - Construction Worksites
  - Federal Agency Worksites
  - Pretty much everybody



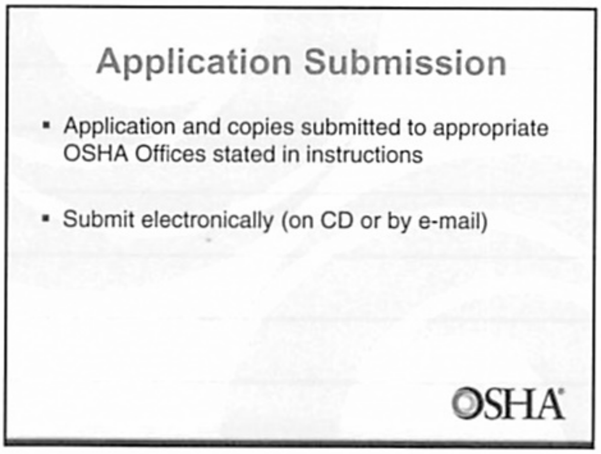
Application

- There is no VPP Application Form rather guidelines that explain the information to be submitted in the application for OSHA review
- Application should address the SHMS that works for work activities & hazards at the applicant site



Application

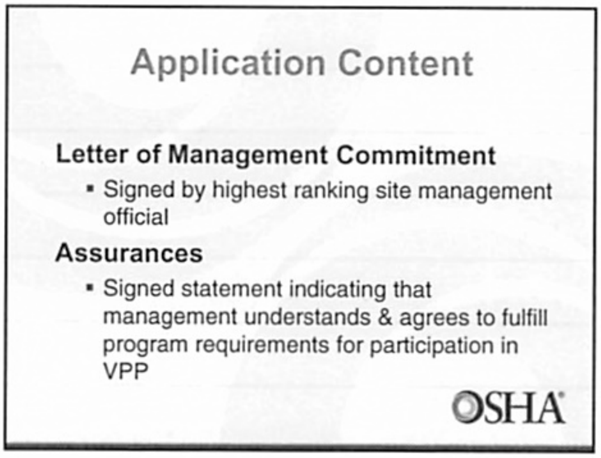
- Provide all information outlined in current application instructions
- Amendments will be requested if application information is insufficient
- Do not include trade secret in application



Application Submission

- Application and copies submitted to appropriate OSHA Offices stated in instructions
- Submit electronically (on CD or by e-mail)

OSHA

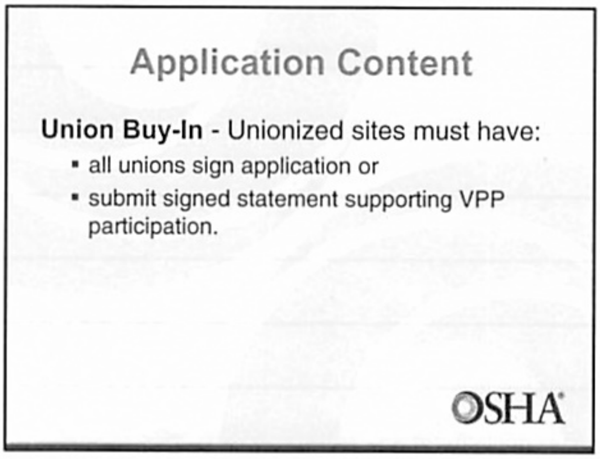


Application Content

Letter of Management Commitment
- Signed by highest ranking site management official

Assurances
- Signed statement indicating that management understands & agrees to fulfill program requirements for participation in VPP

OSHA



Application Content

Union Buy-In - Unionized sites must have:
- all unions sign application or
- submit signed statement supporting VPP participation.

OSHA

Application Content

General Information – should include, but not limited to...

- Applicant's site name & address
- Key contact personnel & titles
- Corporate identification
- Union contact information
- # of employees; # of contractors
- Type of work performed/products produced

OSHA

Application Content

3-Year Rates

- Applicant must provide last 3 complete years of injury & illness data - Total Case Injury Rate (TCIR) & Days Away and Restricted/Transferred (DART) for employees

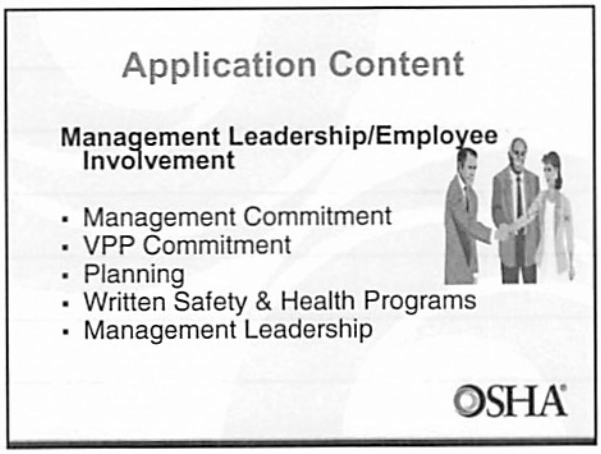
OSHA

Application Content

Description of Safety & Health Management System

- Describes how the applicant is meeting VPP requirements for each element & sub-element.
- The application must cover....

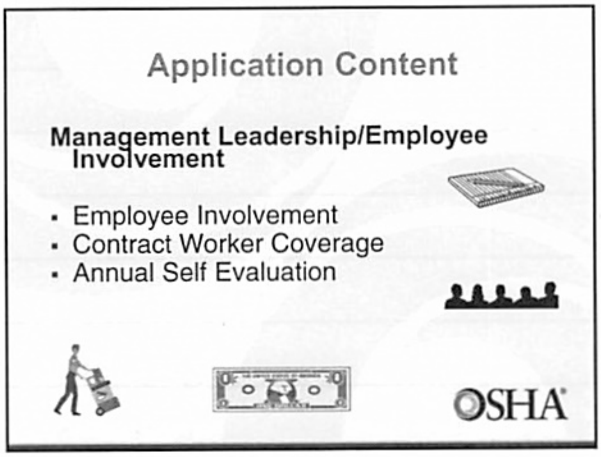
OSHA



Application Content

Management Leadership/Employee Involvement

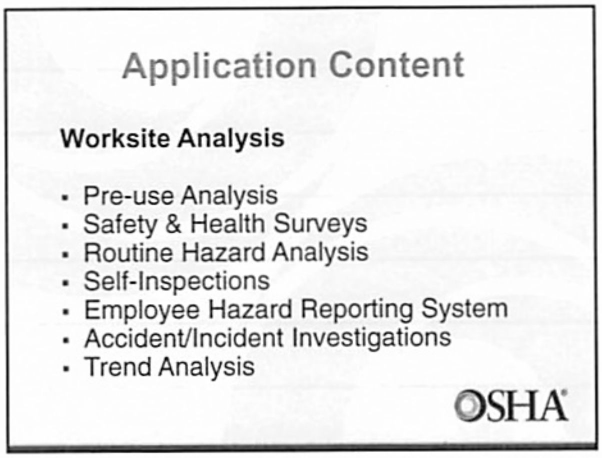
- Management Commitment
- VPP Commitment
- Planning
- Written Safety & Health Programs
- Management Leadership



Application Content

Management Leadership/Employee Involvement

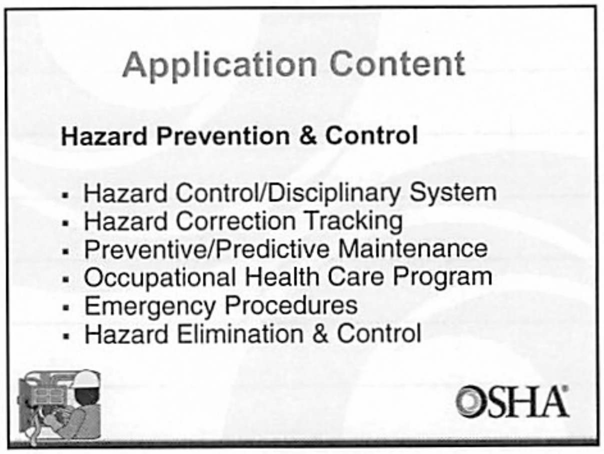
- Employee Involvement
- Contract Worker Coverage
- Annual Self Evaluation



Application Content

Worksite Analysis

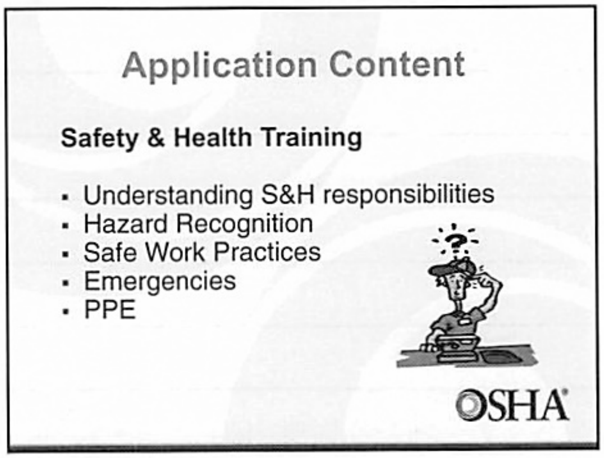
- Pre-use Analysis
- Safety & Health Surveys
- Routine Hazard Analysis
- Self-Inspections
- Employee Hazard Reporting System
- Accident/Incident Investigations
- Trend Analysis



Application Content

Hazard Prevention & Control

- Hazard Control/Disciplinary System
- Hazard Correction Tracking
- Preventive/Predictive Maintenance
- Occupational Health Care Program
- Emergency Procedures
- Hazard Elimination & Control



Application Content

Safety & Health Training

- Understanding S&H responsibilities
- Hazard Recognition
- Safe Work Practices
- Emergencies
- PPE

Mobile Workforce Application

- Largely follows the current VPP site-based application
- Sites identified by a Designated Geographic Area (DGA)
  - No smaller than an Area Office
  - No larger than a Region

Mobile Workforce Application

- Differences are described in the supplemental application, such as:
  - Subcontractors, where applicable
  - Injury and Illness data
  - Prescreening
  - Participant Plan

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Application Content

Additional Attachments (should include, but not limited to):

- Copy of top-level safety policy
- Copies of policies & procedures, forms, etc.
- Organization chart
- Annual evaluation
- Site map

- **Group exercise:** Site-based Application Review

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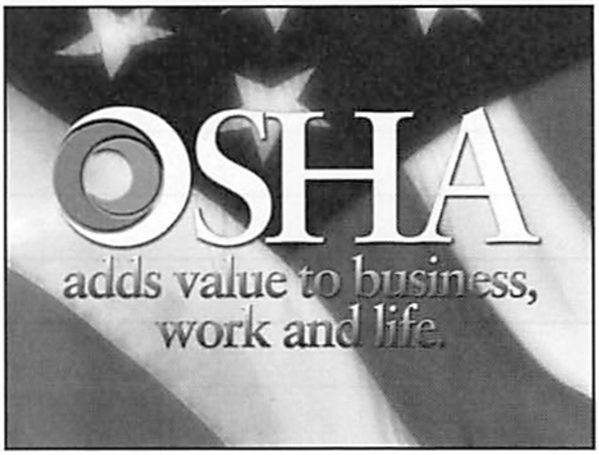

OSHA
adds value to business, work and life.

Corporate Application

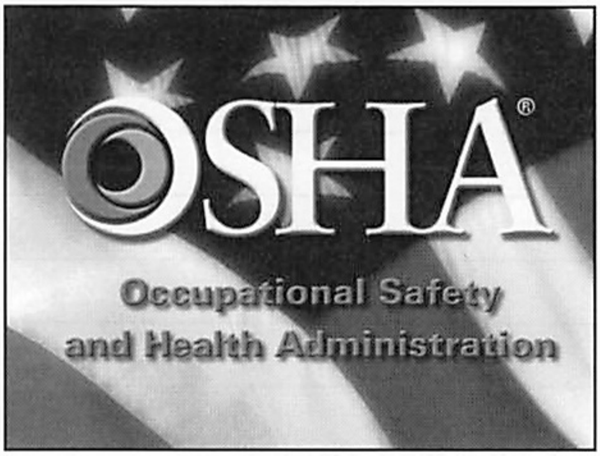
- To approve large organizations for VPP corporate participation
- An organization must be committed to achieving VPP approval for multiple individual facilities and/or facilities within in DGA

OSHA

Corporate Application

- Application is looking for a:
  - well-established, standardized safety and health management system
  - a prescreening process in place
  - meet all other VPP requirements e.g., no affirmed willful violations during its most recent 36-month period

OSHA



This application is used for training purposes only! Several sections have been deleted, and other sections have been changed to create deficiencies making it unacceptable for VPP application. DO NOT share this application with any sites interested in applying for VPP, for mentoring purposes, etc.

General Information

Company Name:

Brody Electronic Systems and Facility Equipment, Inc.
(BESAFE, Inc.)
P.O. Box 7777
Safe City, Texas 77777

Site Manager: Lee P. Iacocca
Manufacturing Manager

VPP Contact: Brent Timely
VPP Team Lead
(361) 333-9999

Number of BESAFE employees: **150**

Number of Contract Employees: **Approximately 30**

Collective Bargaining agent: **United Electrical Workers, Local 1969**

Type of Work performed:

BESAFE, Inc. is primarily engaged in the manufacturing of relays, motor starters and controllers, and other industrial controls and control accessories. The company has been in business for over 50 years and began producing their first control devices in Mr. Wilson's barn. The company now operates in a 300,000 square-foot facility producing over 6,000,000 control devices a year. Mr. Wilson's barn is now used as the corporate headquarters.

Site NAICS: **362511**

This application is for training purposes only!!!

Total Injury/Illness Incidence Rates (TCIR)

Site Employees

TABLE 1

Year	Hours Worked	Total Recordable Injuries/Illnesses	TCIR
1	2,427,106	36	3.0
2	2,275,045	58	5.1
3	2,170,000	97	8.9
Jan 1 to Mar 30	707,400	63	17.8

Site 3-year Rate Years 1-3: **5.6**

Current BLS Industry Average Rate for NAICS 362511: **5.0**

Contract Employees

Table 2

Year	Hours Worked	Total Recorded Injuries/Illnesses	TCIR
1	2,335,196	13	1.1
2	1,984,392	8	0.8
3	2,482,937	19	1.5
Jan 1 to Mar 30	684,403	4	1.2

Site 3-year Rate Years 1-3: **1.2**

Current BLS Industry Average Rate for NAICS 154000-: **9.5**

This application is for training purposes only!!!

Days Away, Restricted/Transferred Case Rate (DART) rate:

Site Employees

TABLE 3

Year	**Hours Worked**	**Injuries/Illnesses w/ Days Away from work &/or transferred activity**	**DART**
1	2,427,106	36	3.0
2	2,275,045	22	1.9
3	2,170,000	10	0.9
Jan1 to Mar 30	707,400	3	2.0

Site 3-year Rate for Years 1-3: **2.0**

Current BLS Industry Average Rate for NAICS 362511: **2.0**

Contract Employees

TABLE 4

Year	**Hours Worked**	**Injuries/Illnesses w/ Days Away from work &/or transferred activity**	**DART**
1	2,335,196	13	1.1
2	1,984,392	8	0.8
3	2,482,937	19	1.5
Jan 1 to Mar 30	684,403	4	1.2

Site 3-year Rate for Years 1-3: **1.2**

Current BLS Industry Average Rate for NAICS 154000: **4.3**

Management Leadership and Employee Involvement

Management Commitment

BESAFE, Inc. management is committed to protecting the employees from risks in the workplace. The Environmental, Health and Safety Policy and Principles (see attachment 2-1.1) states the Company's commitment to the safety and health of all employees. BESAFE's safety policies, procedures and entire safety program are designed to prevent injuries and are critical to the safe operation of the facility.

BESAFE's EH&S policies are developed to manage all operations in a manner that protects the environment and the safety of employees, customers, contractors and the public.

BESAFE's Guiding Principles state that a safe and healthy work environment will be maintained for all employees, contractors and neighbors and is vitally important to the successful operation of our business. Management and employees must jointly make reasonable efforts to provide such a work environment.

BESAFE, Inc. believes:

- Our goal is to prevent all accidents and injuries;
- Every person is responsible for prevention of injuries and accidents;
- Training is required to provide a healthy and safe work environment;
- Safeguards must be provided and utilized where risk cannot be eliminated;
- Employee involvement will be used to implement our safety and health system;
- Safety adds value to our business;
- Working safely is a condition of employment;
- Known operational risks must be identified, avoided and controlled to prevent injuries, work-related illnesses, fires, property damage, and other losses as and integral part of our business;
- Employees and contractors are responsible for complying with all health, safety, and environmental laws and regulations and with company policies and procedures as a condition of employment;

Specific goals are set every year for health and safety (see attachment 2-1.2). Goals are determined by previous year average rates. Using these rates the "bar is raised" to continually improve our safety and health record. The Facility Leadership Team will review past performance and establish these goals for safety and health performance. The Central Environmental Health and Safety Council will review these goals and set the objectives needed to achieve them.

Organization

Safety and Health is an integral part of BESAFE, Inc. at all levels. Every employee has Safety and Health Roles and Responsibilities. The basic Safety and Health Roles and Responsibilities of BESAFE, Inc. personnel are outlined below. An organizational chart is included, see attachment 2-2.1.

Manufacturing Manager is responsible for:

-Creating the necessary culture to make safety the first and foremost priority;
- Implementing and institutionalizing BESAFE's six-point safety philosophy.

Safety and Health Manager is responsible for:

- Providing strategy input and direction to ensure improvement of BESAFE's safety and health processes;
- Leading the safety process and establishing a culture where safety ownership rests with the employees;
- Continuous improvement of the safety programs;
- Assisting line organizations build good safety awareness and attitudes;
- Maintaining the safety focus on progress, not activity.

Every employee is responsible for following facility safety and health policies. We exercise this responsibility by following plant policies and procedures and ensuring that safety is a key consideration for every action taken. Employees are expected to support all safety and health proactive programs and committee actions. Employee's Roles and Responsibilities are included. (See attachments 2-3.1, 2-3.2, 2-3.3, 2-3.4, and 2-3.5).

VPP Commitment

Management has committed all necessary resources to maintaining the elements required for the VPP. All necessary staff has been dedicated to the process, and management fully supports the VPP Committee charged with overseeing the implementation of the safety and health program and ensuring its progress. Management has included a signed statement of Assurances further showing their commitment to the VPP (See Assurances Statement, attachment 2-2.9)

Planning

Safety and health planning is accomplished on an annual, quarterly, monthly, and daily basis. Safety and health issues are planned through the following means:

Annually: Management develops an overall plan for the facility. This plan is referred to as Key Bets. The facility Key Bets (see attachments 2-6.1 and 2-6.2) set yearly goals for safety and health.

Quarterly: Information sharing meetings are held on a quarterly basis to update employees on facility safety and health issues. Information sharing meetings are an open forum where any question can be raised and answered by corporate and/or plant management.

Written Safety and Health Program

The company maintains all necessary written documentation of our safety and health program. All written procedures are available for review. All training documentation is available on site, as well as all documentation of our hazard correction tracking system. All written programs including, but not limited to, hazard communication, hearing conservation, lockout/tagout, etc. are also available.

Top Management Leadership

Management has shown leadership in the safety and health program through their active participation in information sharing meetings, new employee orientation, safety meetings, the Central Environmental Health and Safety Council and scheduled training. The plant manager visits the work areas often to visit with employees to discuss their concerns regarding safety and health, and encourages employees to visit him at his office at any time. All management representatives set an excellent example of safety behavior by wearing all appropriate safety and health PPE, and following all applicable safety and health rules.

Authority and Resources

BESAFE, Inc. management recognizes considerable resources are necessary to maintain an effective safety and health program. The Safety Department maintains a qualified staff of safety and health professionals that include: industrial hygienists, safety specialists, an emergency response coordinator, and a medical coordinator.

The company also realizes the importance of giving proper authority to those individuals charged with safety and health responsibilities to carry out their duties in an effective manner. Each individual involved in the safety program has the authority to make any safety decision necessary to create a safe work environment. If a safety or health decision made by an employee with safety and health duties as a part of their work assignment is overturned by a supervisor or other manager, the supervisor or manager overturning the decision has the responsibility of explaining his actions to the plant manager who strongly discourages overturning safety and health decisions. All employees are given the authority to approach any employee, contractor, or manager who they feel is conducting their work in an unsafe manner and address the situation. Employees are also given the authority to stop any job they recognize as unsafe with no fear of reprisal.

Line Accountability

Accountability for managers, supervisors, exempt and non-exempt salaried, and hourly employees is accomplished through the use of:

Semi-annual performance review (see attachment 2-4.1);
Line of Sight review (see attachment 2-4.2).

Working safe is a condition of employment at the facility. The Facility Leadership Team has identified five essential practices that all employees must follow in their effort to protect themselves, their coworkers, and the environment. The following is a list of the five essential practices that all employees must follow:

1. The Safe Work Permit Procedure must be flawlessly executed in the following areas:
- Personal Protective Equipment
- Hot Work
- Confined Space
- Energy Control

2. All safety and health incidents and near misses must be reported immediately;

3. Proper Management of Change procedures;

4. All safety and health procedures;

5. All conduct regarding safety and health issues must meet BESAFE's expectation that all business affairs will be conducted lawfully and with integrity and honesty.

Policy KSP-000 (see attachment 2-4.3) defines the essential practices.

Employee Notification

Employees are notified of participation in the Voluntary Protection Program and OSHA rights in numerous ways. Employee notification is conducted using formal and informal communications. The types of communication methods BESAFE, Inc. uses includes, but is not limited to, New Employee Orientation, Information Sharing Meetings, Safety Meetings, Weekly Newsletter, Corporate Newsletter, Letters and Memos, Electronic Media.

All employees have been informed that becoming a VPP site does not diminish their rights under OSHA. Employees have also been advised of the benefits to the company and themselves.

Attachments include:
- Employees Rights under OSHA 2-9.1
- Notification Letter 2-9.2

Employee Involvement

Safety and Health Committees

BESAFE, Inc. employees are actively involved in the safety and health programs and participate in the following ways: Safety and Health Councils and Teams; Central Environmental Health and Safety Council (CEHSC); Environmental Safety Culture Team (ESCT); Hazard Recognition Team (HRT); Job Safety Analysis (JSA); VPP Team; Contractor Safety Committee.

This application is for training purposes only!!!

Annual Self-Evaluation

The Program Evaluation Participants took a critical look at the requirements of the Voluntary Protection Program and based their information on the application process.

Annual self-evaluation is included, see attachment 2-7.1.

Worksite Analysis

Management Understanding

All members of management understand the hazards each of their respective employees are exposed to. Before a manager can be promoted to a position of responsibility over other areas, he must demonstrate a satisfactory understanding of the hazards of all areas he would be responsible for the plant manager.

Managers gain this understanding of the hazards through the use of Job Safety Analyses, comprehensive surveys of the work areas, by attending hazard recognition training and conducting self-inspections of the work area, etc.

Comprehensive Surveys

Several comprehensive surveys have been conducted to identify all safety, health, and environmental hazards at this site. Surveys conducted included the following surveys conducted by site personnel: a comprehensive industrial survey; confined space survey; PPE survey; energy control surveys; and a safety hazard survey. Corporate personnel also conducted comprehensive safety and industrial hygiene surveys that confirmed the results of the surveys conducted by site personnel.

All surveys conducted are available for review at the site.

Industrial Hygiene Program

The site has a comprehensive industrial hygiene program to protect employees from uncontrolled hazards associated with airborne contaminants, noise, and other industrial hygiene hazards. The site identified all industrial hygiene hazards associated with the work area through comprehensive industrial hygiene surveys conducted by site and corporate personnel. The site developed a sampling strategy to address all of the hazards, frequency of monitoring, necessary follow up of identified hazards, etc. (see attached copy of sampling strategy, attachment 2-2.10).

Pre-Use/Pre-Startup Analysis

Pre-Use/Pre-Startup Analyses are conducted to identify safety, health, and environmental hazards of every new/modified procedure and new/modified piece of equipment before employees begin work using the new or modified procedure/equipment. A written procedure has been developed to provide guidance when reviewing the procedure/equipment to assist the reviewer in evaluating all of the hazards. The review must be conducted by qualified safety and health professionals as outlined in the procedure.

See attached Pre-Use/Pre-Startup Analysis Procedure 2-2.93.

Hazard Analysis

Routine Hazard Analysis is performed in several ways at BESAFE, Inc. using the following tools: Safe Work Permitting; Job Safety Analyses (JSAs); and Standard Operating Procedures (SOPs).

The Safe Work Permit (see attachment 4-4.1) provides guidelines to protect employees and contractors from work hazards and chemicals that they may encounter while performing their job assignment. Flawless execution of the Safe Work Permit is an expectation of every employee and contractor. The Safe Work Permit sets the conditions for a job by addressing specific categories. The Safe Work Permit categories consist of the following: Type of Permit; Job Description; Safe Work; Personal Protective Equipment; Job Procedures to Minimize Exposure; Hot Work; and Confined Space.

Employee Hazard Reporting System

Employees are given the responsibility and ownership to shutdown and to take corrective actions without reprisal if a process or piece of process equipment becomes unsafe. The Supervisors Immediate Report (SIR), Work Order System (IMPAC), Audit Form, BESAFE, Inc. Accident Prevention Program (KAPP) and the Central Environmental Safety and Health Council are tools that can be used to mitigate hazards. The "Employee Safety Concern" is another tool employees may use to report issues to management. Forms for the Safety Concern system are available in several locations throughout the facility including the lunch and break areas, and in each work area. The forms are filled out and placed in a box located next to the blank forms and are picked up on a daily basis. Employees are informed of the actions to be taken by management regarding their concern. If the employee chooses to remain anonymous, the actions taken by management are published in the employee newsletter, and on the employee bulletin board in the lunch room.

The Central Environmental Health and Safety Council (CEHSC) is a source to report safety and health issues to the Facility Leadership Team. This team is used when an employee feels an issue has not been resolved. The employee will contact the CEHSC Leader and explain the situation. The CEHSC Leader will then speak to their RLT Member and have the issue looked into. The RLT Member will research and return a resolution to the effected employees.

Accident/Incident Investigation

All injury/incidents will be reported using the Supervisors Immediate Report (SIR). Facility employees are required to report all injuries/incidents immediately or disciplinary action will be taken. Once the incident is reported, the Supervisor will complete the SIR. The leader of the Incident Investigation Team will organize the proper personnel and schedule the investigation. There are two types of investigations, Minor and Major. BESAFE, Inc. uses the TapRoot Causal Tree and Market Based Management Problem Solving Process to identify why the injury or incident happened and what steps must be taken to prevent reoccurrence. All action items generated as a result of the investigation are tracked in the BESAFE, Inc. Incident Tracking System (KITS). Completed investigations will be entered in KITS and a Lessons Learned generated. Incidents that result in a recordable injury, reportable environmental event or constitute a large economic loss are reviewed by the Manufacturing Manager and personnel involved with the incident.

A copy of the Accident Investigation procedure is attached: 2-2.5.

Trend Analysis

Trend Analysis is compiled using the BESAFE, Inc. Incident Tracking System (KITS). Data entered into KITS consists of incident reports, incident investigations, safety meetings, behavioral observations, and safety and health audits. Once this data is entered, employees can easily access reports and graphs that reflect data computations. Trends are tracked monthly to identify areas of concern.

Copies of the previous 12 months trending is available as attachment 2-2.6.

Hazard Prevention and Control

Certified Professional Resources

The site has several certified safety and health professionals available for assistance. There is one Certified Safety Professional (CSP) employed at the facility. The site also has access to two other CSPs, and two Certified Industrial Hygienists (CIHs) through the corporate office located approximately 10 miles away.

Hazard Elimination or Control

Engineering and administrative controls

Engineering and administrative controls are the primary methods for controlling hazards at the facility. Personal Protective Equipment is used as the primary method of worker protection only after engineering and administrative solutions have been considered. PPE is also used to supplement effective engineering controls. The various types of personal protective equipment provided by the facility are described in the PPE Catalog (see attachments 5-3.1 and 5-3.2) found on the Intranet.

Safety and Health Rules

Safety and Health Policies and Procedures (see attachment 5-2.1) have been developed through identifying hazardous work tasks, incident experiences and regulatory requirements. These policies and procedures are published on the BESAFE, Inc. Intranet Safety Homepage and are easily accessible to all employees. A summary of BESAFE's safety policies and procedures are also published in the Safe Work Practices Pocket Guide which is distributed to each employee during New Employee Orientation. Following safety policies and procedures has long been a condition of employment at BESAFE, Inc. and is stated very clearly in our Employee Responsibility and Accountability for Safety, Health and Environmental Procedure KSP-000.

PPE

The PPE Team reviews and approves site PPE needs. The PPE Team is formed on an as-needed basis to determine the PPE that is best suited for the types of potential exposures that exist within our facility. Each type of PPE (such as chemical protective clothing, safety eyeglasses, gloves, harnesses, hard hats, etc.) is evaluated based on overall protection from potential facility hazards.

Preventive Maintenance

A computerized system is used to scheduled and track all preventive maintenance at the site. The "Dilbert" System includes all equipment and machinery requiring preventive maintenance to be performed, and schedules it at the appropriate intervals. The schedule is sent by E-mail to the maintenance manager on a daily basis so work assignments can be made. If the maintenance is not completed in the time allowed by Dilbert, another E-mail is sent to the maintenance manager and the plant manager. The plant manager then ensures the maintenance is conducted in a timely manner.

Hazard Correction Tracking

A tracking system developed by the VPP committee is used to track all hazards identified through accident/incident investigations, self inspections, the employee hazard reporting system, industrial hygiene surveys, etc. The system lists each of the hazards requiring correction, assigns a responsible party, notifies the responsible party by E-mail, and tracks when the hazards were corrected. The system also identifies when it has not been notified of a timely correction, and notifies the responsible party AND his supervisor. The next notification notifies the two previous parties and the plant manager who ensures correction is made.

A sample of the tracking system log is attached - 2-2.11.

Occupational Health Care Program

On-site primary medical care services for the facility are provided by a Registered Nurse, who has a Bachelors' degree in Nursing, and a corporate Medical Manger who is certified in occupational nursing by the American Association of Occupational Health Nurses. The Medical Director for the facility is a contract physician who specializes in Occupational Medicine. The facility physician is on-site two (2) days a week for12 hours per visit providing him/her opportunity to make recommendations for corrective or preventive measures in the facility's health program. Any recommendations made in writing to the Medical Department are reviewed and implemented immediately. The facility nurse is on call 24-hours a day seven (7) days a week for evaluations and recommendations and the physician can be reached through his/her answering service as the need arises. On off-hours, trained Emergency Responders administer emergency medical care. Emergency Responders are state certified Emergency Care Attendants, Emergency Medical Technicians, or Paramedics.

Off-site medical facilities are available at three (3) fully staffed hospital emergency rooms located approximately fifteen minutes from the facility. One facility is a level-two-trauma center. All the emergency rooms are staffed on a 24-hour basis. If additional transportation is needed, there are two (2) private ambulance services as well as helicopter service, Halo-Flight, available for extreme emergency needs.

Physical examinations are performed annually in accordance with the requirements of applicable OSHA standards. The facility contracts with Mobile Health Testing Inc. to perform the physical exam and required tests. These are conducted on-site during the employees' regularly scheduled work hours.

Emergency Procedures

The Emergency Response Plan

The Emergency Response Plan (see attachment 5-5.1) is a written program that involves plans for handling unexpected operational incidents. The Emergency Response Plan for the facility is based upon the principles of preparing for an emergency. The objectives of the manual are to Prevent injuries to employees, contractors, visitors and the public; Minimize the impact of an emergency; Minimize disruption to the facility operation; Define Facility Terminal Fire Company and Emergency Response Teams actions and responsibilities; Coordinate facility emergency response; Ensure timely notification; Establish guidelines for compliance; Ensure that appropriate records and documentation are maintained.

The Emergency Response Plan covers the following types of emergency situations: Fire and/or Explosions; Oil or hazardous materials spills; Hazardous gas releases; Natural disasters; Bomb threats; Major incidents; Sabotage; Civil disturbances; Utility Outages.

Drills are held several times throughout the year to ensure all employees have the opportunity to participate. The system used to track employee training is also used to track the employees who have participated in the emergency drill.

Safety and Health Training

Employees

BESAFE's formal Safety and Health Training Programs include our New Employee Orientation and the Safety Regulatory Refresher. New employee orientation includes training on the following subjects: Bloodborne Pathogens, Hazard Communication, Hearing Conservation, MSDS Awareness, Medical and Exposure Records, Occupational Injury & Illness, PPE Awareness, Portable Fire Extinguisher.

Employees whose primary job responsibilities require them to work in the facility receive the above-mentioned General Safety Core Curriculum in addition to a full day of Safety Expectations that include the following topics: Asbestos Management (In Permitting), Benzene Safety (In HAZCOM), Confined Space Entry, Confined Space Entry Attendant, Confined Space and Area Monitoring, Energy Control Program, Excavation and Trenching, Scaffold Safety, Hot Work, Hot Work Fire Watch, OSHA Electrical Non-Qualified, Lead Protection, Respiratory Protection, Radiation Safety.

Following this training, employees are given an exam and allowed to review the graded exam with the instructor and given opportunity to ask questions and receive feedback.

Annual Safety Regulatory Refresher Training. All employees are assigned computer based Safety Training annually. Job dependent, the Safety Training includes, at minimum, the General Safety Core Curriculum mentioned above, as well as any or all of the Safety Expectations topics also mentioned above. Each course is comprised of a computer based lesson that reiterates the topic information learned in New Employee Orientation and a test. In order to complete the course (lesson and test), employees will first have to view the lesson material and then successfully complete the test with a score of 80%. Employees are encouraged to contact either their supervisor or the Safety Department if they have questions on any material. See attachment 6-1.1.

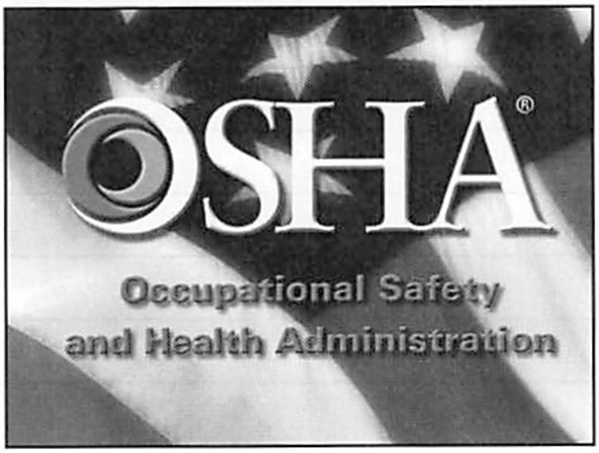
BESAFE's informal Safety and Health Programs consist of department and facility wide safety meetings. Employees are encouraged to present safety topics that apply on the job as well as off the job. Please see the attachment 6-1.2 for a list of sample topics.

Supervisors and Managers

BESAFE's Supervisor Training Program is designed to provide Facility Shift Managers and Production Leaders with field training that relates to their safety, health and training roles and responsibilities. All subjects are covered during an 80-hour training period every three (3) years. Training is "hands-on" and completed with representatives from the Safety and Health Department.

Emergencies

Employees, managers, contractors, and visitors are trained on the emergency procedures. Employees and managers are trained on all appropriate information discussed above. Visitors are required to watch a video on their responsibilities during an emergency. Unescorted visitors are required to review the entire emergency program and attend all training required of any other employee, manager, or contractor.



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TYPES OF ONSITE VISITS

INITIAL
&
RE-APPROVAL

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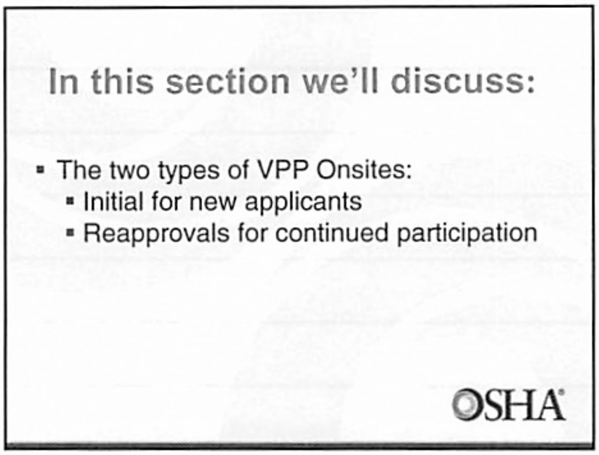

In this section we'll discuss:

- The two types of VPP Onsites:
  - Initial for new applicants
  - Reapprovals for continued participation

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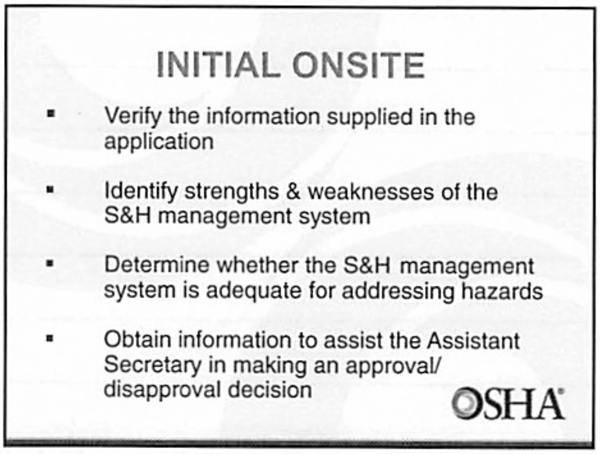
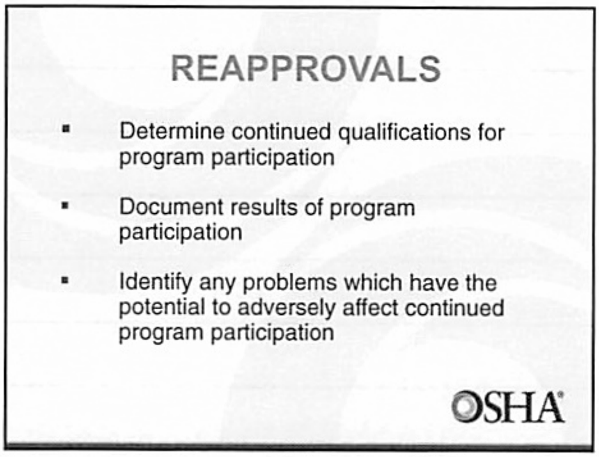


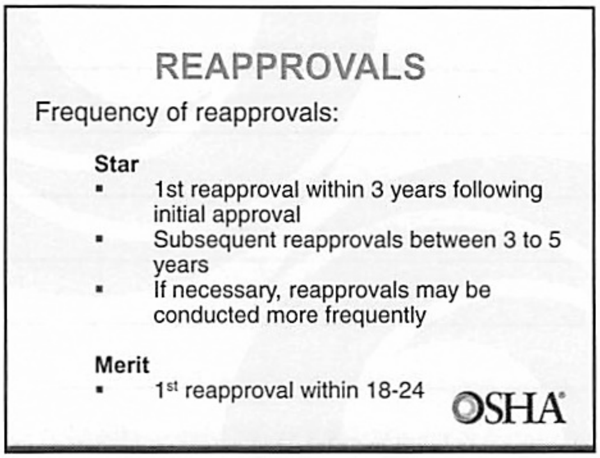
INITIAL ONSITE

- Verify the information supplied in the application
- Identify strengths & weaknesses of the S&H management system
- Determine whether the S&H management system is adequate for addressing hazards
- Obtain information to assist the Assistant Secretary in making an approval/ disapproval decision



REAPPROVALS

- Determine continued qualifications for program participation
- Document results of program participation
- Identify any problems which have the potential to adversely affect continued program participation



REAPPROVALS

Frequency of reapprovals:

Star

- 1st reapproval within 3 years following initial approval
- Subsequent reapprovals between 3 to 5 years
- If necessary, reapprovals may be conducted more frequently

Merit

- 1st reapproval within 18-24

Similarities

- Types of documents reviewed
- Onsite procedures
- Review schedule during the week of the onsite
- Team size & composition

OSHA

Differences

- Age of documents reviewed
- Duration of the onsite
- Looking for program improvements since previous onsite

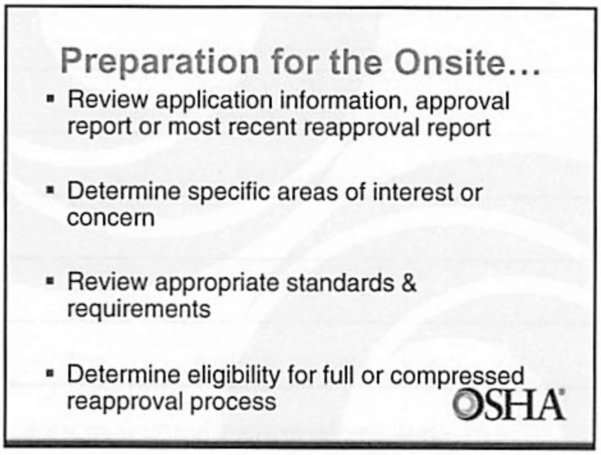
OSHA

Preparation for the Onsite

What to expect before you arrive on site:

- Contact from the team leader
- Logistical information from the team leader:
  - Travel, hotel, PPE, etc.
  - Assignment
- A copy of the letter to the company
- A copy of the general information from the application or the previous report
- A copy of the report format

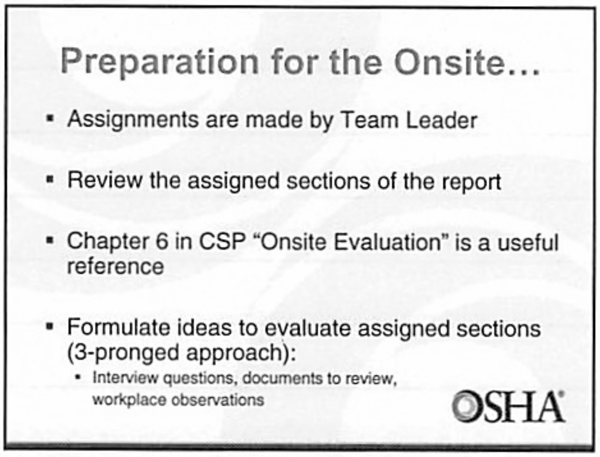
OSHA



Preparation for the Onsite...

- Review application information, approval report or most recent reapproval report
- Determine specific areas of interest or concern
- Review appropriate standards & requirements
- Determine eligibility for full or compressed reapproval process

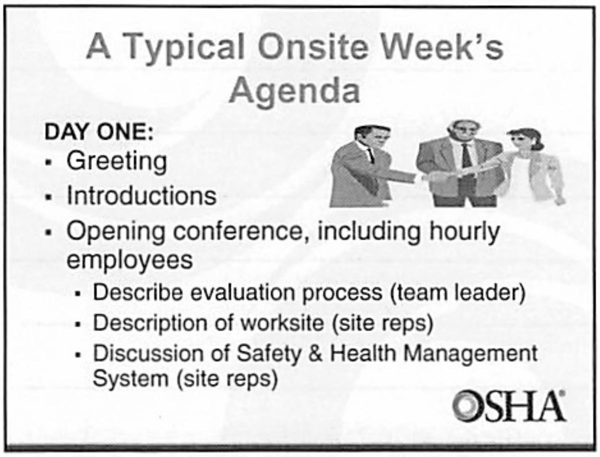
OSHA



Preparation for the Onsite...

- Assignments are made by Team Leader
- Review the assigned sections of the report
- Chapter 6 in CSP "Onsite Evaluation" is a useful reference
- Formulate ideas to evaluate assigned sections (3-pronged approach):
  - Interview questions, documents to review, workplace observations

OSHA

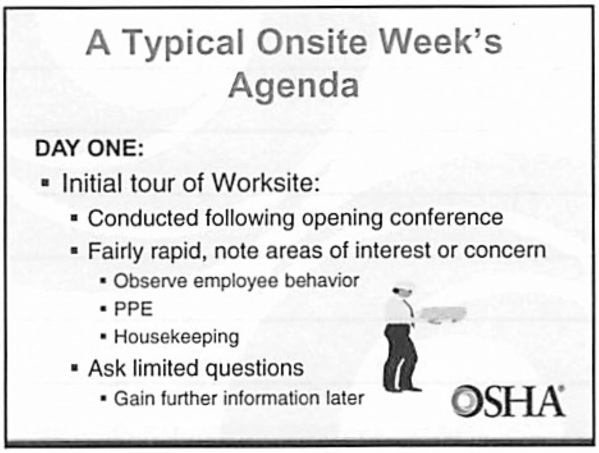


A Typical Onsite Week's Agenda

DAY ONE:

- Greeting
- Introductions
- Opening conference, including hourly employees
  - Describe evaluation process (team leader)
  - Description of worksite (site reps)
  - Discussion of Safety & Health Management System (site reps)

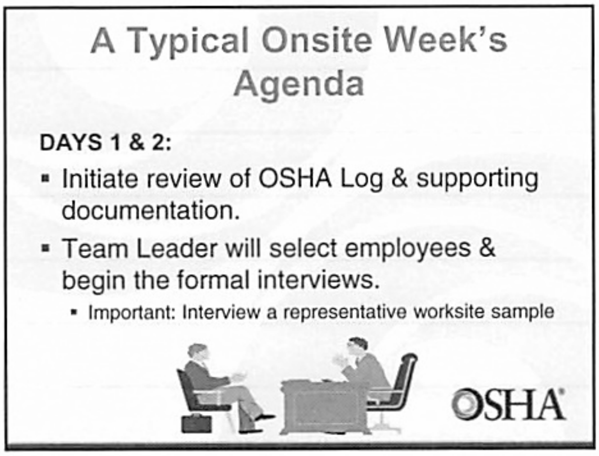
OSHA



A Typical Onsite Week's Agenda

DAY ONE:

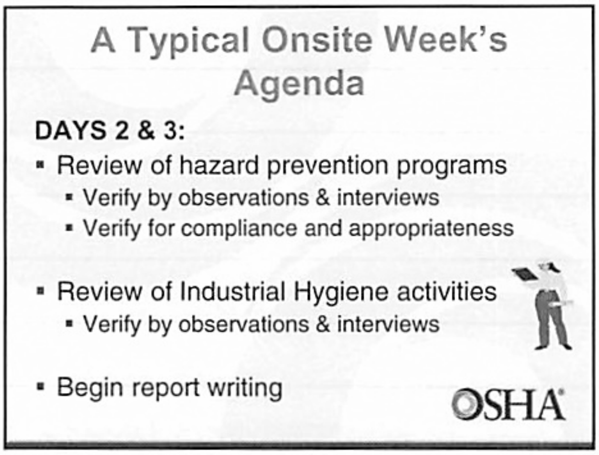
- Initial tour of Worksite:
  - Conducted following opening conference
  - Fairly rapid, note areas of interest or concern
    - Observe employee behavior
    - PPE
    - Housekeeping
  - Ask limited questions
    - Gain further information later



A Typical Onsite Week's Agenda

DAYS 1 & 2:

- Initiate review of OSHA Log & supporting documentation.
- Team Leader will select employees & begin the formal interviews.
  - Important: Interview a representative worksite sample



A Typical Onsite Week's Agenda

DAYS 2 & 3:

- Review of hazard prevention programs
  - Verify by observations & interviews
  - Verify for compliance and appropriateness
- Review of Industrial Hygiene activities
  - Verify by observations & interviews
- Begin report writing

A Typical Onsite Week's Agenda

DAYS 2 & 3 cont'd:

- Closely review last year's documents, & ensure previous year's are in order
- Highlight best practices & deficiencies

OSHA

A Typical Onsite Week's Agenda

DAYS 3 & 4:

- Complete review of SHMS
- Complete written draft report

LAST DAY:

- Team must reach consensus on approval recommendation
- Closing Conference: Discuss findings & recommendation for participation in VPP

OSHA

Daily Briefings

- Team shall meet privately each day to discuss findings
- Team Leader is responsible for organizing the findings and conducting daily briefings with site management

OSHA

Hazard Correction

- At each day's briefing, team members will discuss & inform team leader of any hazards noted & correction plans discussed with management
- Hazards will be related to the management systems that need improvement
  - Intent is to correct hazard & identify SHMS failure that allowed hazard to go uncontrolled

OSHA

Mobile Workforce Participation

Two Phases

- Headquarter Office Onsite Evaluation
- Worksite Onsite Evaluation(s)

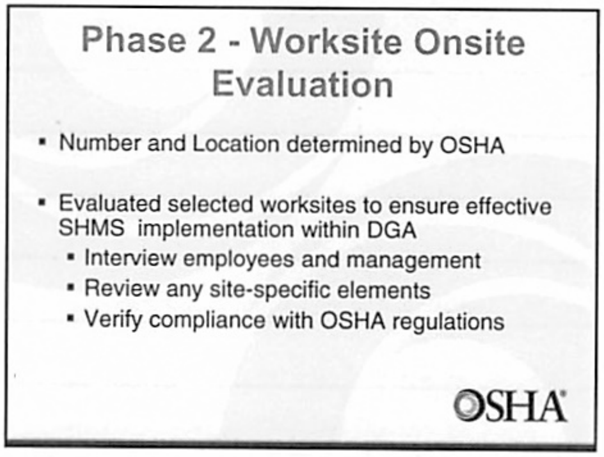
OSHA

Phase 1 - Headquarters Onsite Evaluation

Focuses on:

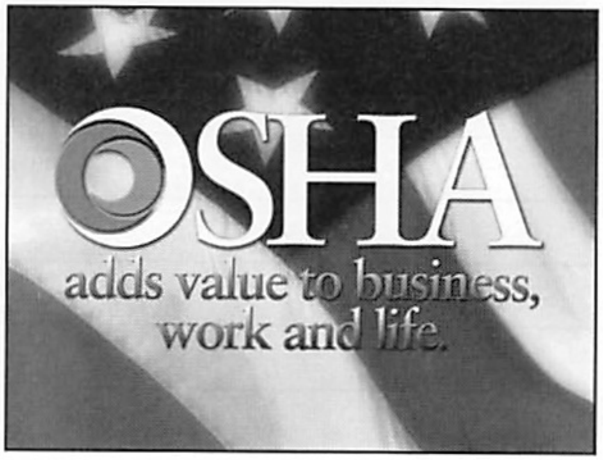
- Review of headquarters SHMS
- Review of prescreening/oversight processes
- Review of Participation Plan
- Review Recordkeeping

OSHA

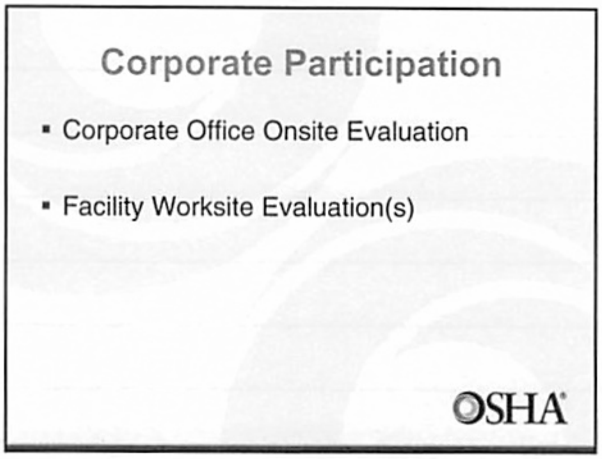


Phase 2 - Worksite Onsite Evaluation

- Number and Location determined by OSHA
- Evaluated selected worksites to ensure effective SHMS implementation within DGA
  - Interview employees and management
  - Review any site-specific elements
  - Verify compliance with OSHA regulations



OSHA
adds value to business,
work and life.



Corporate Participation

- Corporate Office Onsite Evaluation
- Facility Worksite Evaluation(s)

Corporate Onsite Evaluation

Focuses on:

- Senior/executive level VPP commitment
- Review of corporate SHMS
- Review of prescreening/audit processes

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Facility Worksite Evaluation

- Onsite evaluation is identical to site-based for eligible corporate facilities

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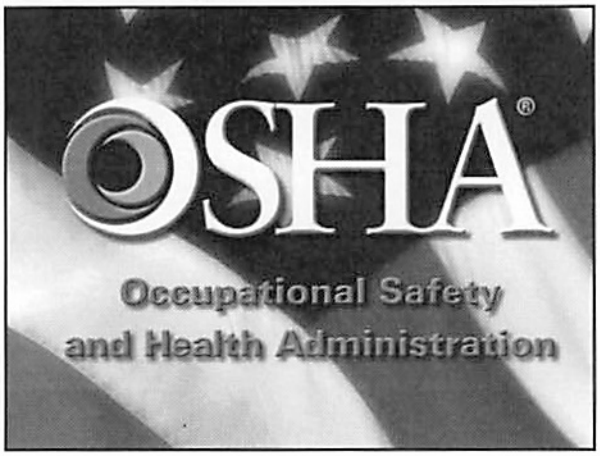

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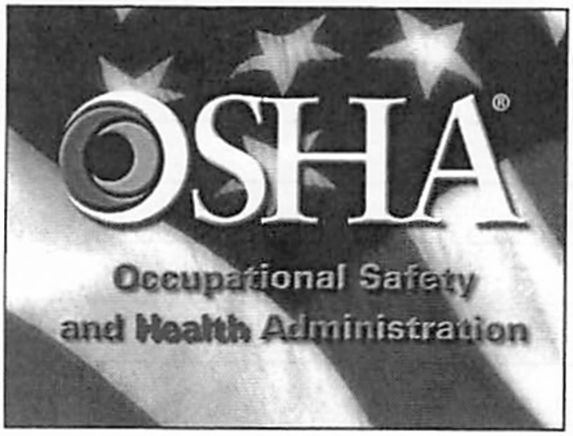
Occupational Safety
and Health Administration



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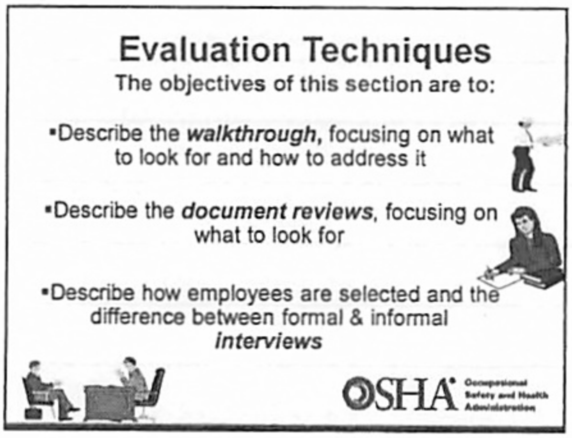

Evaluation Techniques

The objectives of this section are to:

- Describe the ***walkthrough***, focusing on what to look for and how to address it
- Describe the ***document reviews***, focusing on what to look for
- Describe how employees are selected and the difference between formal & informal ***interviews***

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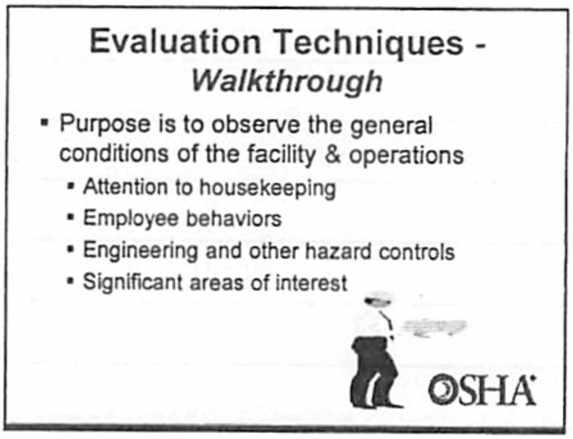

Evaluation Techniques - *Walkthrough*

- Purpose is to observe the general conditions of the facility & operations
  - Attention to housekeeping
  - Employee behaviors
  - Engineering and other hazard controls
  - Significant areas of interest

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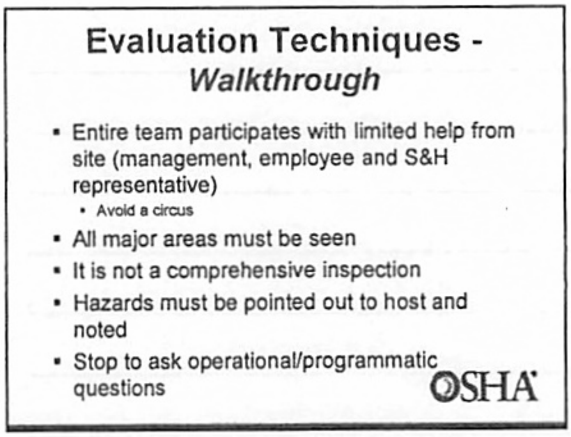
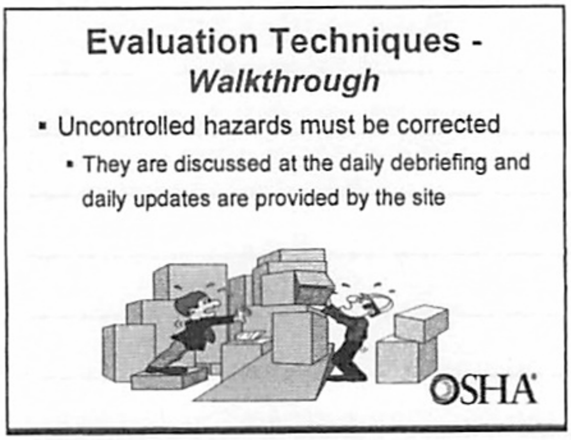


Evaluation Techniques - *Walkthrough*

- Entire team participates with limited help from site (management, employee and S&H representative)
  - Avoid a circus
- All major areas must be seen
- It is not a comprehensive inspection
- Hazards must be pointed out to host and noted
- Stop to ask operational/programmatic questions

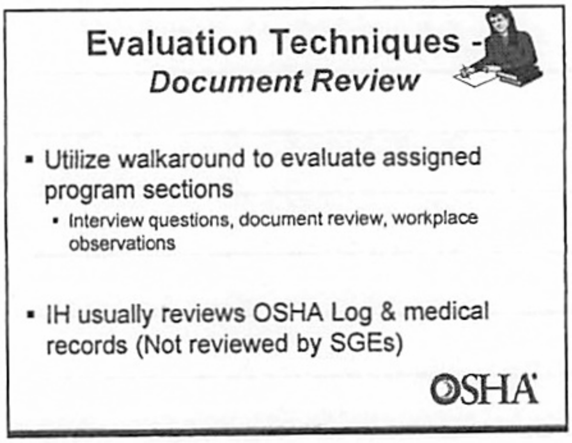
OSHA



Evaluation Techniques - *Walkthrough*

- Uncontrolled hazards must be corrected
  - They are discussed at the daily debriefing and daily updates are provided by the site

OSHA



Evaluation Techniques - *Document Review*

- Utilize walkaround to evaluate assigned program sections
  - Interview questions, document review, workplace observations
- IH usually reviews OSHA Log & medical records (Not reviewed by SGEs)

OSHA

Evaluation Techniques -
Document Review

- Verify knowledge of hazard prevention programs through interviews & observations
- Verify effectiveness & use of hazard prevention programs through interviews & observations

Evaluation Techniques -
Formal Interviews

- Private one-on-one opportunities to determine employees' perception of:
  - Management commitment
  - Responsibilities
  - Knowledge of hazards & rules
  - Empowerment
  - Overall assessment of system

Evaluation Techniques -
Formal Interviews

- Use Appendix F
- Usually done by Team Leader with help from team members. Generally 15-20 minutes
- There is no required guideline on the number of interviews conducted

Evaluation Techniques - *Formal Interviews*

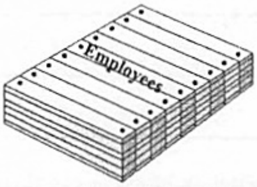
- Selected by Team Leader, with union representative, if requested
- Selected from a list of all employees and/or an organizational chart
- Select management representatives

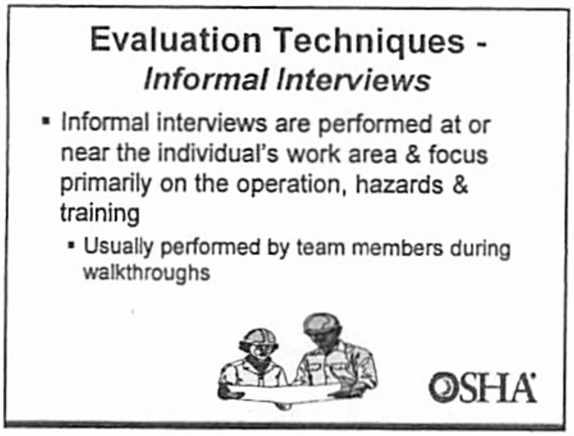
Evaluation Techniques - *Formal Interviews*

- Select representative from each major operating department:
    - Ensure adequate representation for the various operations (i.e., operation, maintenance, administrative)
    - Select alternates for absences
    - Select from each fixed shift, if applicable
- Select contractors, especially mechanical & construction

Evaluation Techniques - *Formal Interviews*

- Alternate Interview Selection Technique:
    - Use a list of random numbers & apply it to a list of all employees

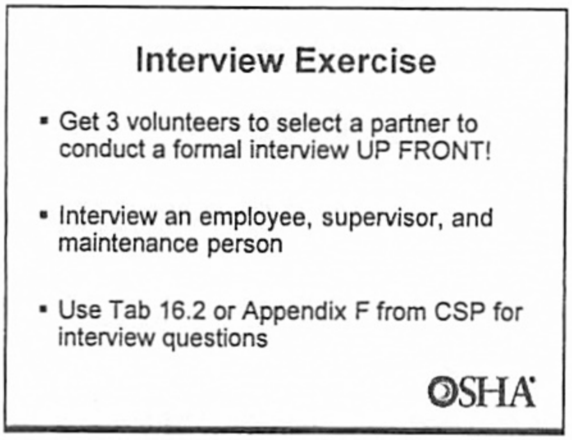




Evaluation Techniques - *Informal Interviews*

- Informal interviews are performed at or near the individual's work area & focus primarily on the operation, hazards & training
  - Usually performed by team members during walkthroughs

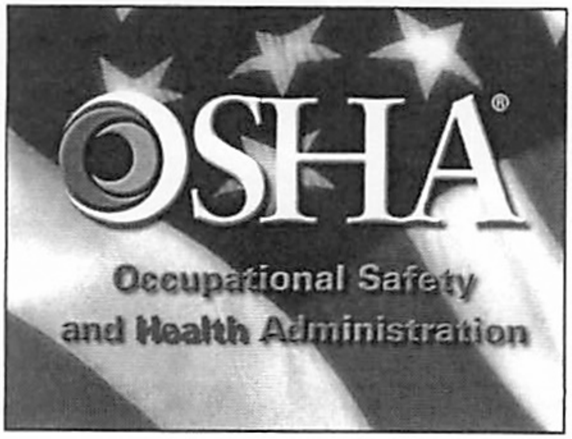
OSHA



Interview Exercise

- Get 3 volunteers to select a partner to conduct a formal interview UP FRONT!
- Interview an employee, supervisor, and maintenance person
- Use Tab 16.2 or Appendix F from CSP for interview questions

OSHA



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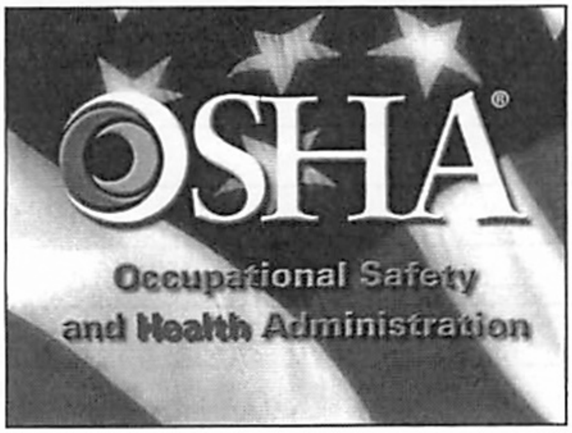
Occupational Safety and Health Administration



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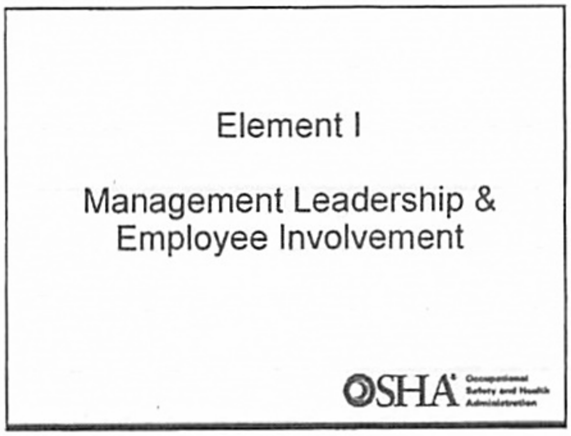
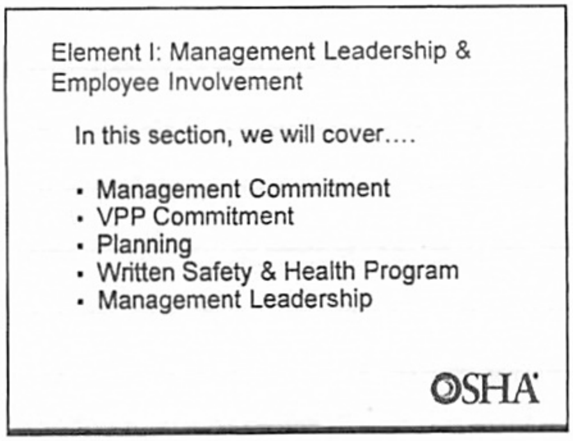


Element I

Management Leadership & Employee Involvement

OSHA Occupational Safety and Health Administration

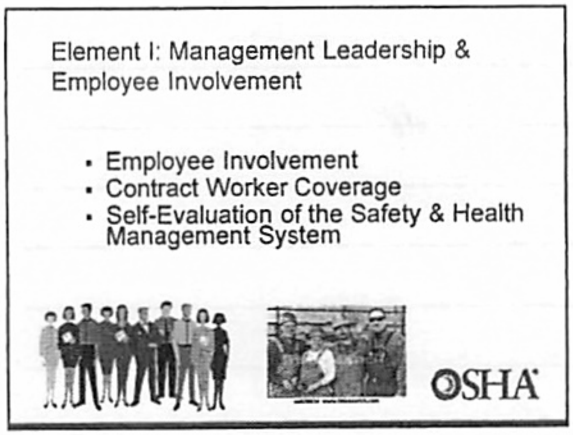


Element I: Management Leadership & Employee Involvement

In this section, we will cover….

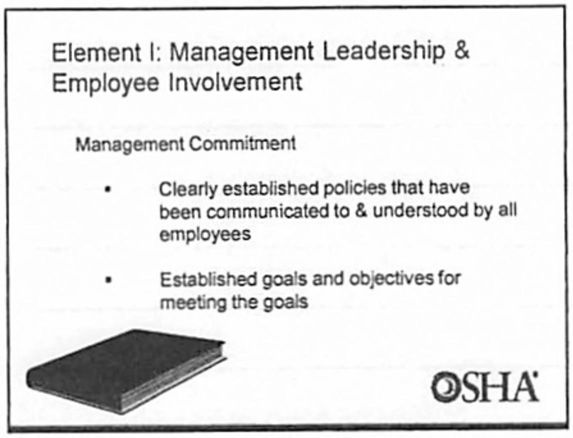
- Management Commitment
- VPP Commitment
- Planning
- Written Safety & Health Program
- Management Leadership

OSHA



Element I: Management Leadership & Employee Involvement

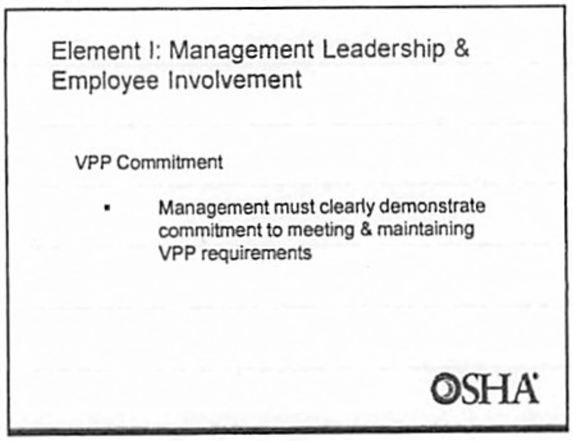
- Employee Involvement
- Contract Worker Coverage
- Self-Evaluation of the Safety & Health Management System



Element I: Management Leadership & Employee Involvement

Management Commitment

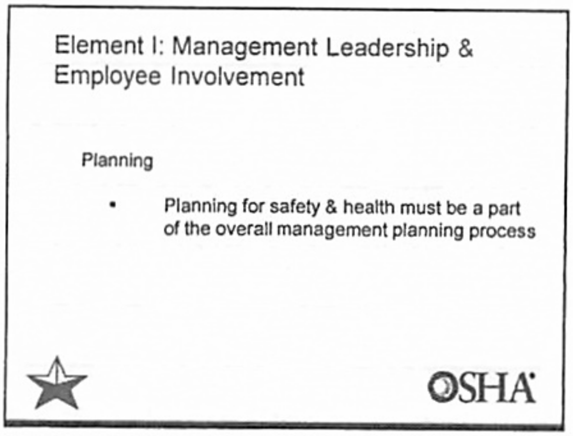
- Clearly established policies that have been communicated to & understood by all employees
- Established goals and objectives for meeting the goals



Element I: Management Leadership & Employee Involvement

VPP Commitment

- Management must clearly demonstrate commitment to meeting & maintaining VPP requirements

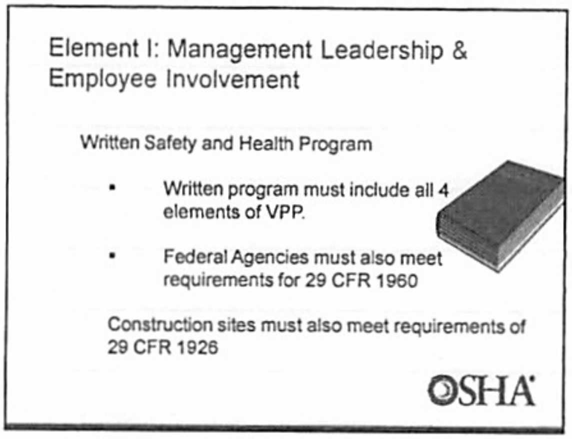


Element I: Management Leadership & Employee Involvement

Planning

- Planning for safety & health must be a part of the overall management planning process

OSHA



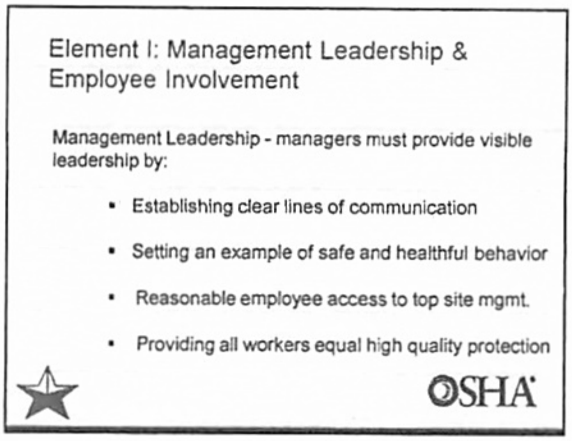
Element I: Management Leadership & Employee Involvement

Written Safety and Health Program

- Written program must include all 4 elements of VPP.
- Federal Agencies must also meet requirements for 29 CFR 1960

Construction sites must also meet requirements of 29 CFR 1926

OSHA

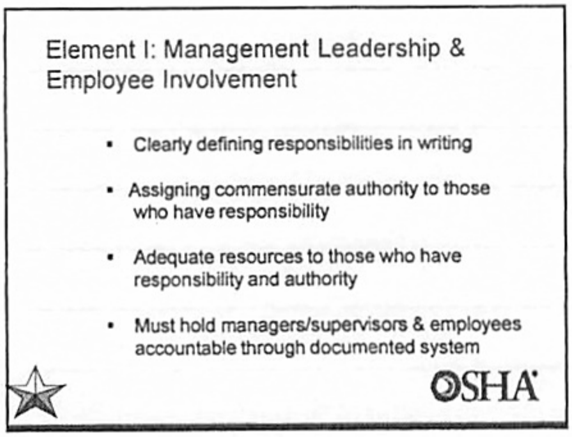


Element I: Management Leadership & Employee Involvement

Management Leadership - managers must provide visible leadership by:

- Establishing clear lines of communication
- Setting an example of safe and healthful behavior
- Reasonable employee access to top site mgmt.
- Providing all workers equal high quality protection

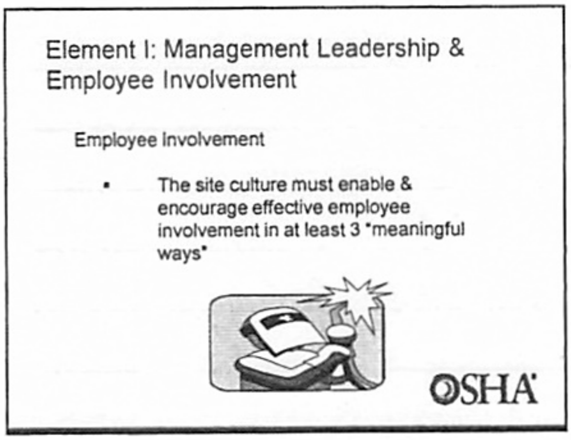
OSHA



Element I: Management Leadership & Employee Involvement

- Clearly defining responsibilities in writing
- Assigning commensurate authority to those who have responsibility
- Adequate resources to those who have responsibility and authority
- Must hold managers/supervisors & employees accountable through documented system

OSHA

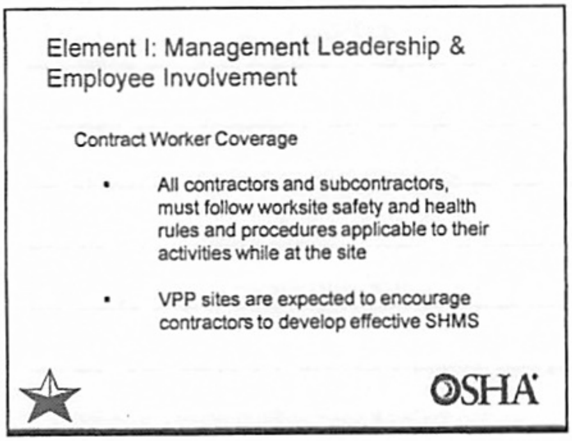


Element I: Management Leadership & Employee Involvement

Employee Involvement

- The site culture must enable & encourage effective employee involvement in at least 3 "meaningful ways"

OSHA

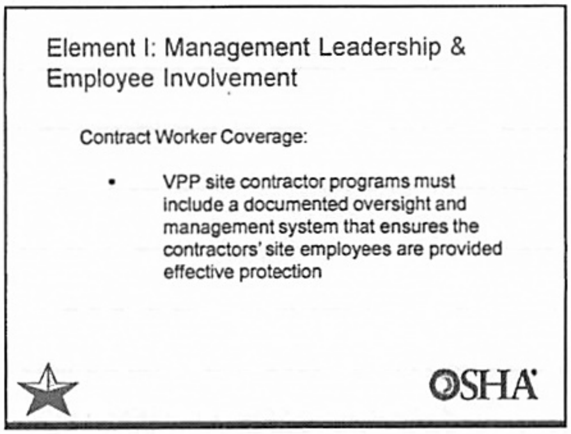


Element I: Management Leadership & Employee Involvement

Contract Worker Coverage

- All contractors and subcontractors, must follow worksite safety and health rules and procedures applicable to their activities while at the site
- VPP sites are expected to encourage contractors to develop effective SHMS

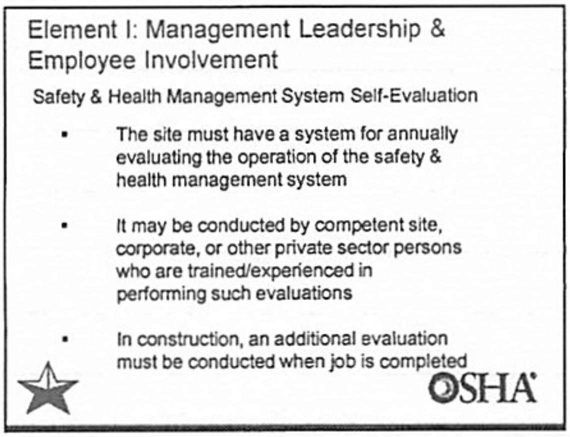
OSHA



Element I: Management Leadership & Employee Involvement

Contract Worker Coverage:

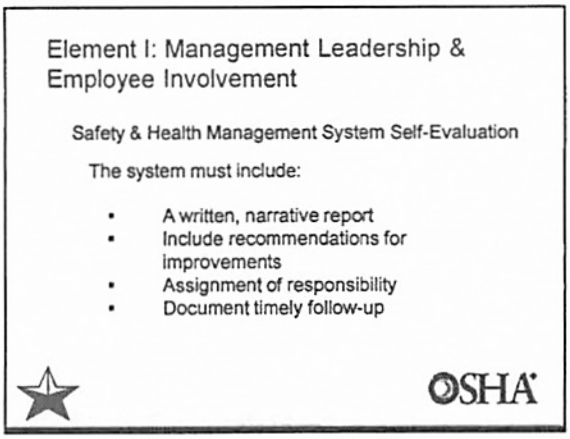
- VPP site contractor programs must include a documented oversight and management system that ensures the contractors' site employees are provided effective protection



Element I: Management Leadership & Employee Involvement

Safety & Health Management System Self-Evaluation

- The site must have a system for annually evaluating the operation of the safety & health management system
- It may be conducted by competent site, corporate, or other private sector persons who are trained/experienced in performing such evaluations
- In construction, an additional evaluation must be conducted when job is completed



Element I: Management Leadership & Employee Involvement

Safety & Health Management System Self-Evaluation

The system must include:

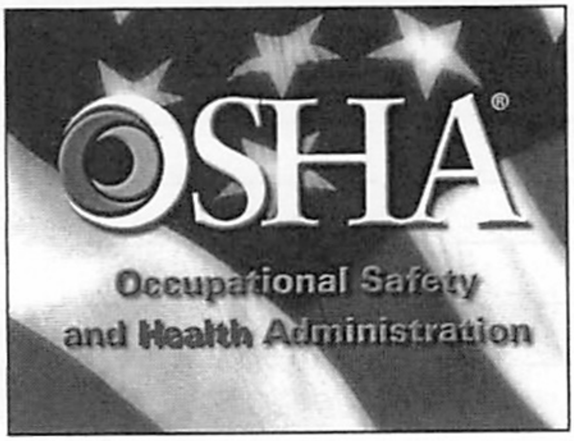
- A written, narrative report
- Include recommendations for improvements
- Assignment of responsibility
- Document timely follow-up

Mgmt Leadership/ Employee Involvement Workshop

In your groups:

- Turn to Tab 15 – BESAFE, Inc. Case Study
- Read pages 1-5
- Evaluate against requirements just reviewed
- Note deficiencies, red flags, issues that would warrant further review
- Note good or positive observations
- Time 45 minutes -- Group Report out!

OSHA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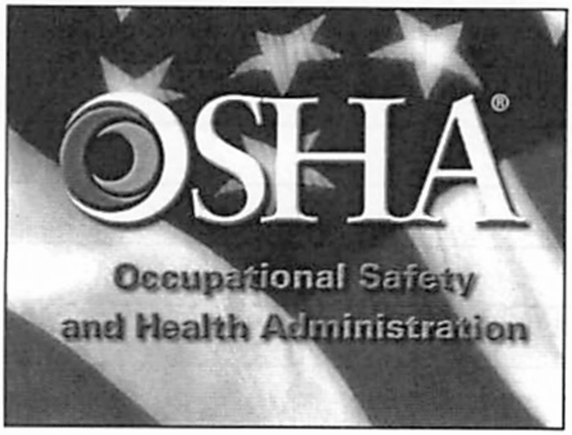
Occupational Safety
and Health Administration



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and Health Administration

Element II

Worksite Analysis

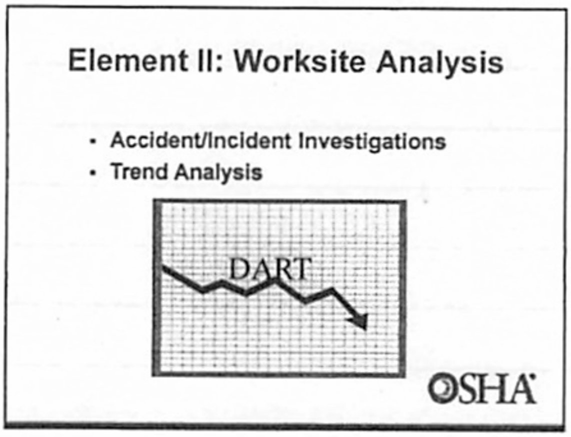
OSHA® Occupational Safety and Health Administration

Element II: Worksite Analysis

In this section, we will cover:

- Management Understanding
- Pre-use Analysis
- Safety and Health Surveys
- Routine Hazard Analysis
- Self-Inspections
- Employee Hazard Reporting System

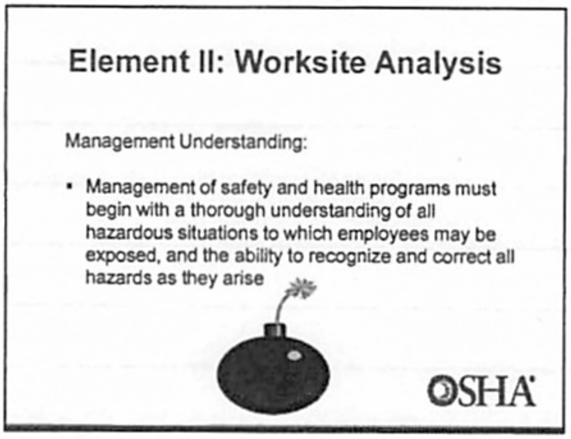
OSHA®



Element II: Worksite Analysis

- Accident/Incident Investigations
- Trend Analysis

OSHA

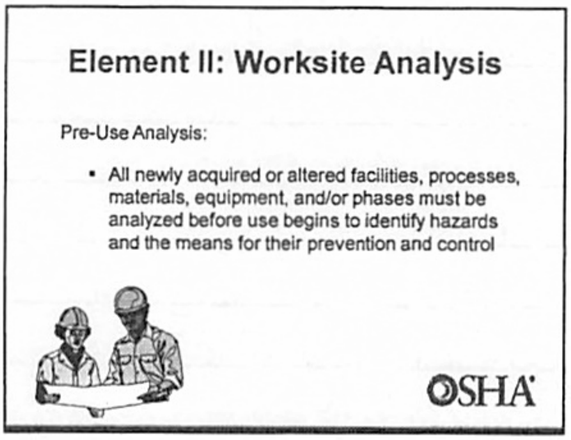


Element II: Worksite Analysis

Management Understanding:

- Management of safety and health programs must begin with a thorough understanding of all hazardous situations to which employees may be exposed, and the ability to recognize and correct all hazards as they arise

OSHA

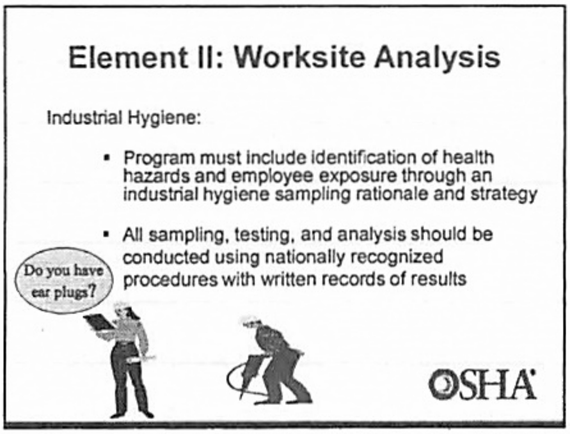


Element II: Worksite Analysis

Pre-Use Analysis:

- All newly acquired or altered facilities, processes, materials, equipment, and/or phases must be analyzed before use begins to identify hazards and the means for their prevention and control

OSHA

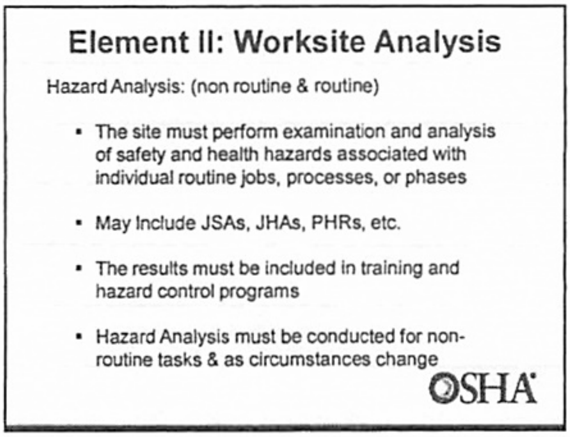


Element II: Worksite Analysis

Industrial Hygiene:

- Program must include identification of health hazards and employee exposure through an industrial hygiene sampling rationale and strategy
- All sampling, testing, and analysis should be conducted using nationally recognized procedures with written records of results

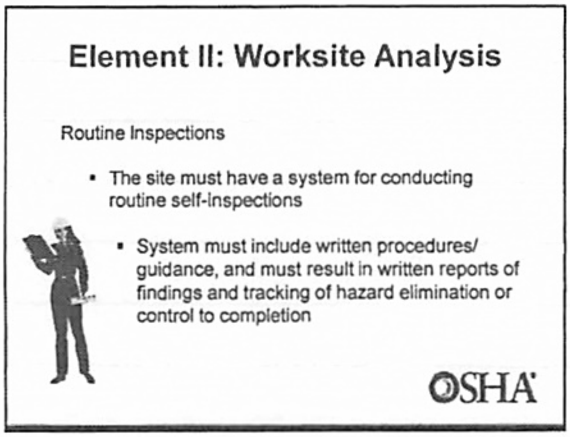
Do you have ear plugs?
OSHA



Element II: Worksite Analysis

Hazard Analysis: (non routine & routine)

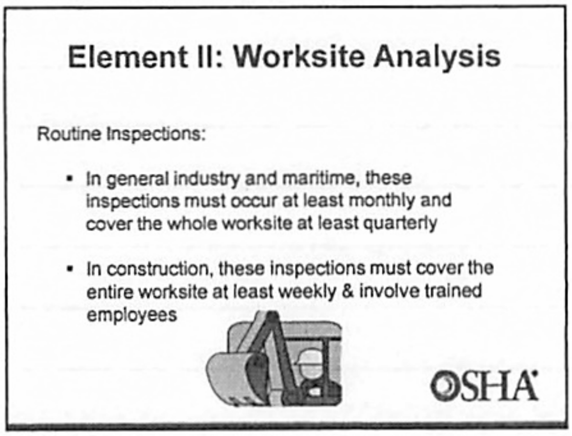
- The site must perform examination and analysis of safety and health hazards associated with individual routine jobs, processes, or phases
- May Include JSAs, JHAs, PHRs, etc.
- The results must be included in training and hazard control programs
- Hazard Analysis must be conducted for non-routine tasks & as circumstances change



Element II: Worksite Analysis

Routine Inspections

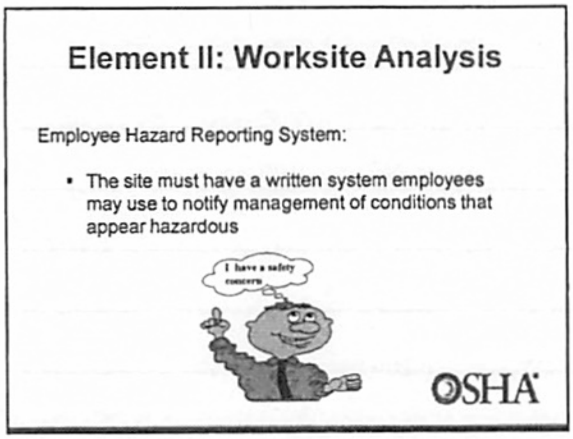
- The site must have a system for conducting routine self-inspections
  - System must include written procedures/ guidance, and must result in written reports of findings and tracking of hazard elimination or control to completion



Element II: Worksite Analysis

Routine Inspections:

- In general industry and maritime, these inspections must occur at least monthly and cover the whole worksite at least quarterly
- In construction, these inspections must cover the entire worksite at least weekly & involve trained employees

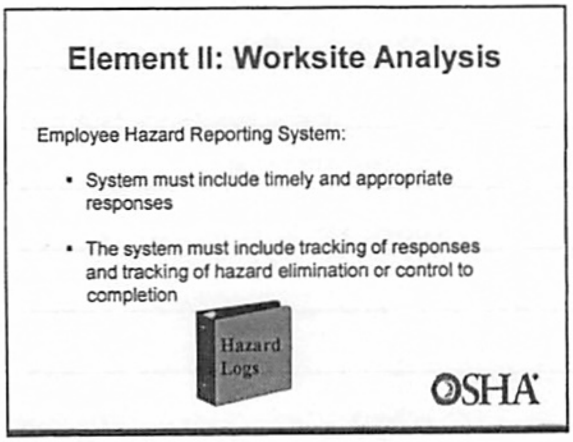


Element II: Worksite Analysis

Employee Hazard Reporting System:

- The site must have a written system employees may use to notify management of conditions that appear hazardous

I have a safety concern

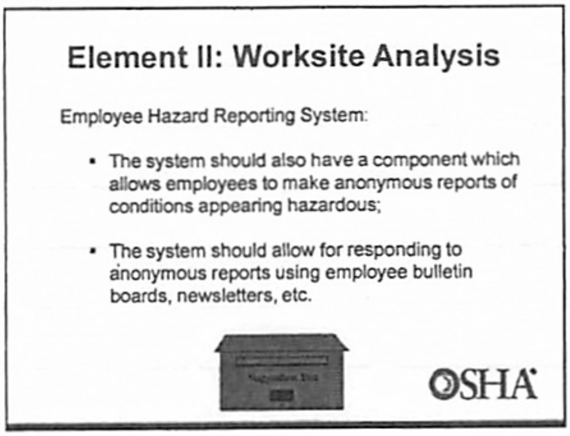


Element II: Worksite Analysis

Employee Hazard Reporting System:

- System must include timely and appropriate responses
- The system must include tracking of responses and tracking of hazard elimination or control to completion

Hazard Logs



Element II: Worksite Analysis

Employee Hazard Reporting System:

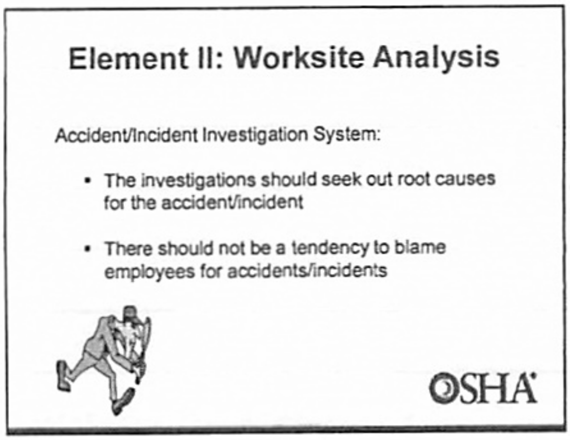
- The system should also have a component which allows employees to make anonymous reports of conditions appearing hazardous;
- The system should allow for responding to anonymous reports using employee bulletin boards, newsletters, etc.

Element II: Worksite Analysis

Accident/Incident Investigation System:

The system must:

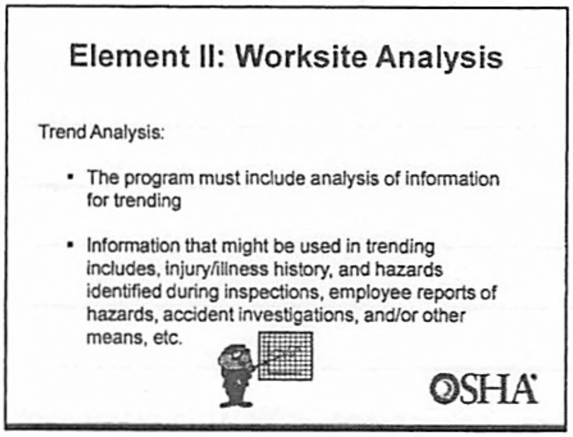
- Include written procedures/guidance
- Include written reports of findings
- Include hazard elimination or control tracking to completion
- Procedures should also be included for investigation of near misses



Element II: Worksite Analysis

Accident/Incident Investigation System:

- The investigations should seek out root causes for the accident/incident
- There should not be a tendency to blame employees for accidents/incidents

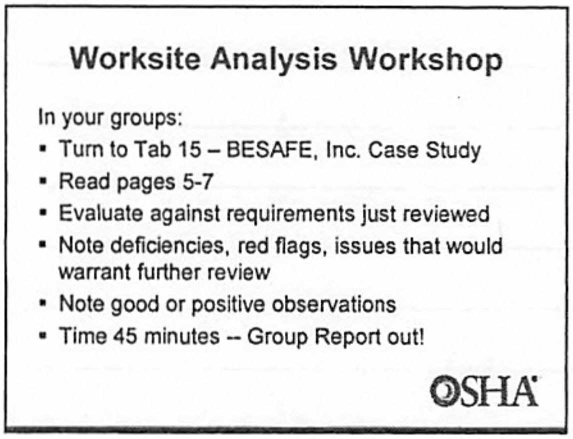


Element II: Worksite Analysis

Trend Analysis:

- The program must include analysis of information for trending
- Information that might be used in trending includes, injury/illness history, and hazards identified during inspections, employee reports of hazards, accident investigations, and/or other means, etc.

OSHA

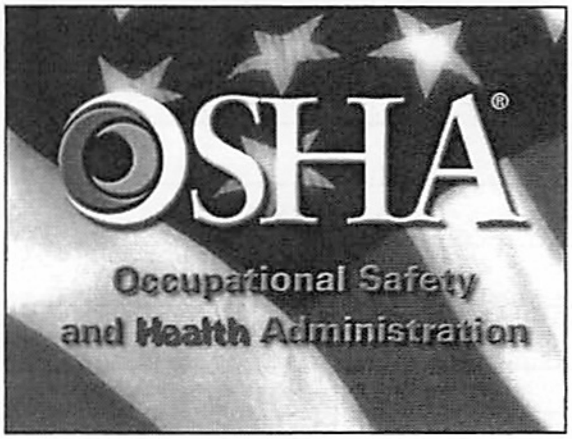


Worksite Analysis Workshop

In your groups:

- Turn to Tab 15 – BESAFE, Inc. Case Study
- Read pages 5-7
- Evaluate against requirements just reviewed
- Note deficiencies, red flags, issues that would warrant further review
- Note good or positive observations
- Time 45 minutes -- Group Report out!

OSHA



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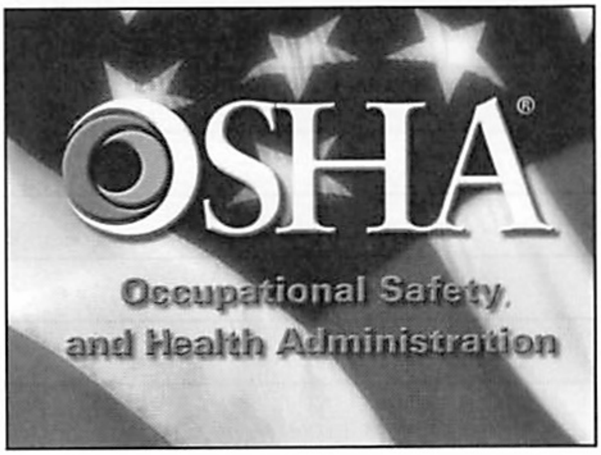
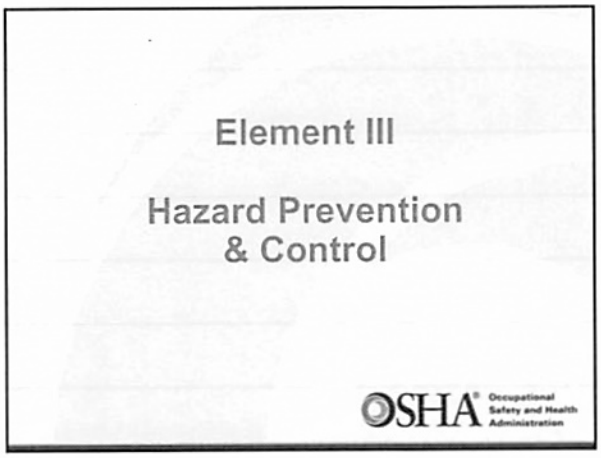
Occupational Safety and Health Administration



OSHA®

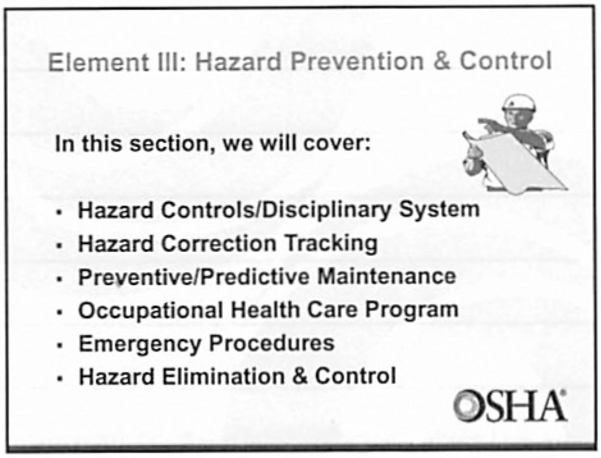
Occupational Safety and Health Administration



Element III

Hazard Prevention & Control

OSHA® Occupational Safety and Health Administration



Element III: Hazard Prevention & Control

In this section, we will cover:

- **Hazard Controls/Disciplinary System**
- **Hazard Correction Tracking**
- **Preventive/Predictive Maintenance**
- **Occupational Health Care Program**
- **Emergency Procedures**
- **Hazard Elimination & Control**

OSHA®

Element III: Hazard Prevention and Control

Hazard Controls

- Site hazards identified during the hazard analysis process must be eliminated or controlled by developing and implementing the systems discussed in this section
- The hazard controls a site chooses must be understood and followed by affected parties, and appropriate to the hazard and size of the worksite

OSHA

Element III: Hazard Prevention and Control

Disciplinary System

- Must be written
- Must be clearly communicated and equitably enforced

OSHA

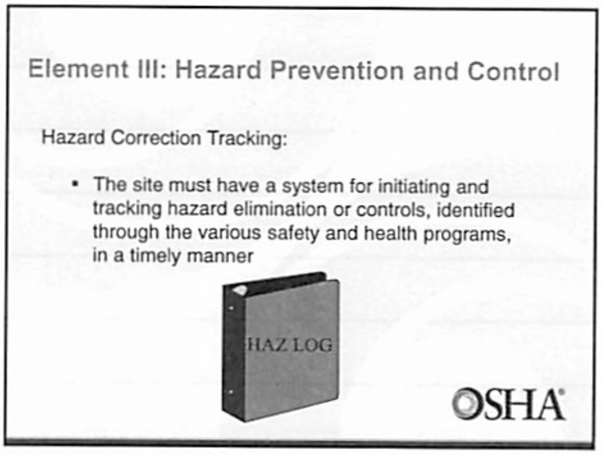
Element III: Hazard Prevention and Control

Disciplinary System:

Include procedures for disciplinary action or re-orientation of:

- managers, supervisors, non-supervisory employees who:
- break or disregard safety and health rules, safety work practices, proper material handling, or emergency procedures

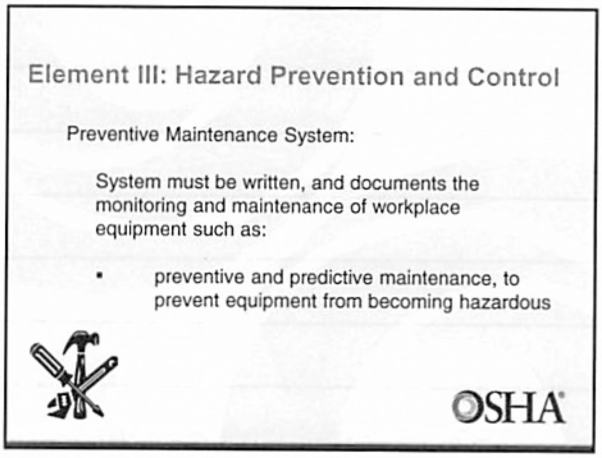
OSHA


HAZ LOG
OSHA

Element III: Hazard Prevention and Control

Hazard Correction Tracking:

- The site must have a system for initiating and tracking hazard elimination or controls, identified through the various safety and health programs, in a timely manner

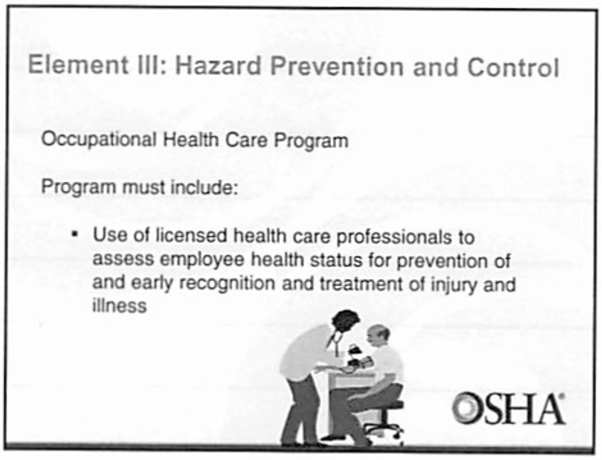


Element III: Hazard Prevention and Control

Preventive Maintenance System:

System must be written, and documents the monitoring and maintenance of workplace equipment such as:

- preventive and predictive maintenance, to prevent equipment from becoming hazardous

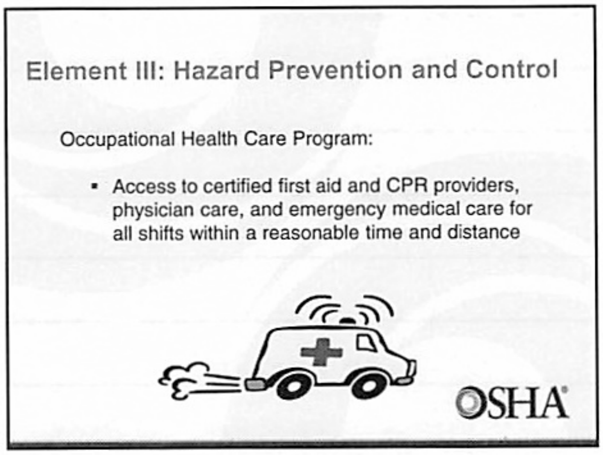


Element III: Hazard Prevention and Control

Occupational Health Care Program

Program must include:

- Use of licensed health care professionals to assess employee health status for prevention of and early recognition and treatment of injury and illness

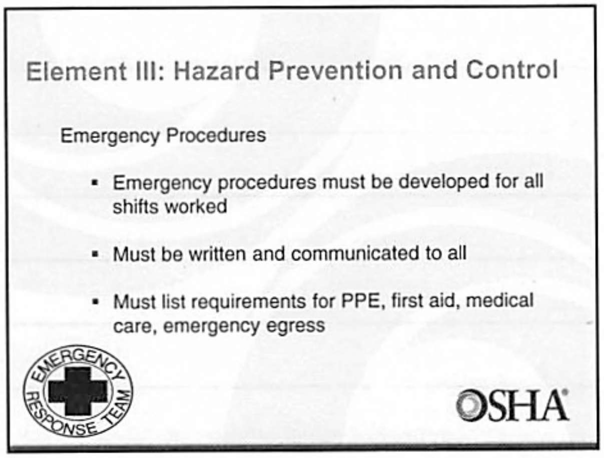


Element III: Hazard Prevention and Control

Occupational Health Care Program:

- Access to certified first aid and CPR providers, physician care, and emergency medical care for all shifts within a reasonable time and distance

OSHA



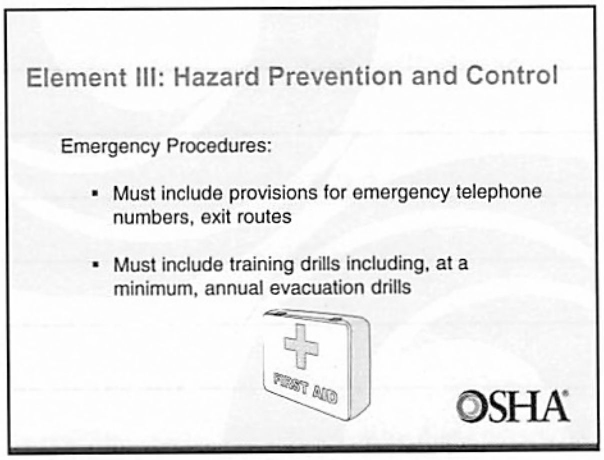
Element III: Hazard Prevention and Control

Emergency Procedures

- Emergency procedures must be developed for all shifts worked
- Must be written and communicated to all
- Must list requirements for PPE, first aid, medical care, emergency egress

EMERGENCY RESPONSE TEAM

OSHA

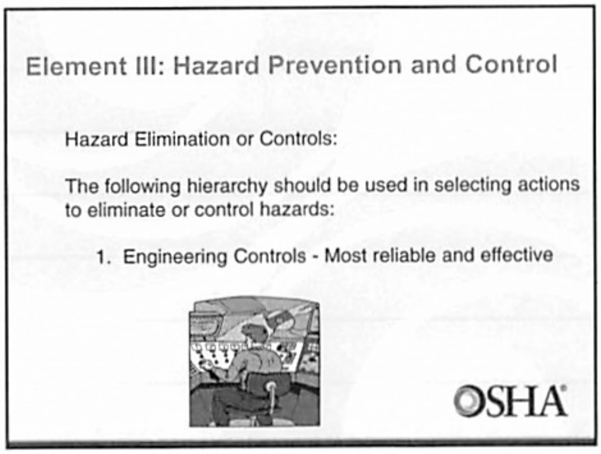


Element III: Hazard Prevention and Control

Emergency Procedures:

- Must include provisions for emergency telephone numbers, exit routes
- Must include training drills including, at a minimum, annual evacuation drills

OSHA



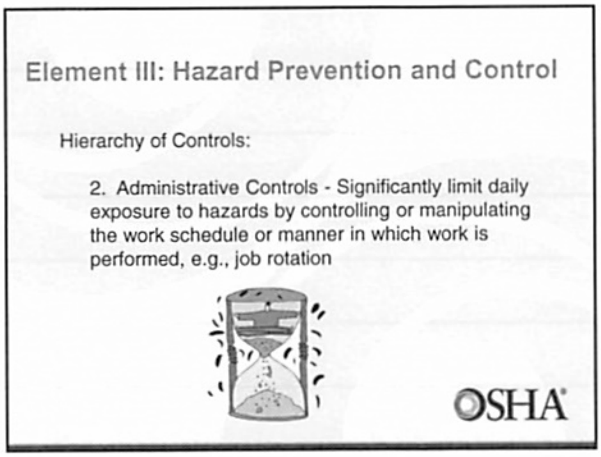
Element III: Hazard Prevention and Control

Hazard Elimination or Controls:

The following hierarchy should be used in selecting actions to eliminate or control hazards:

1. Engineering Controls - Most reliable and effective

OSHA

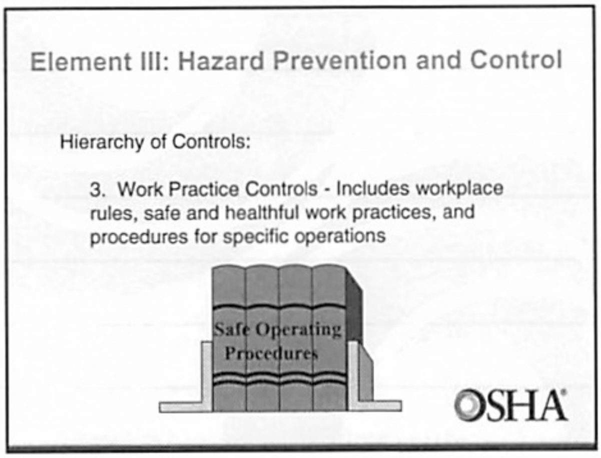


Element III: Hazard Prevention and Control

Hierarchy of Controls:

2. Administrative Controls - Significantly limit daily exposure to hazards by controlling or manipulating the work schedule or manner in which work is performed, e.g., job rotation

OSHA

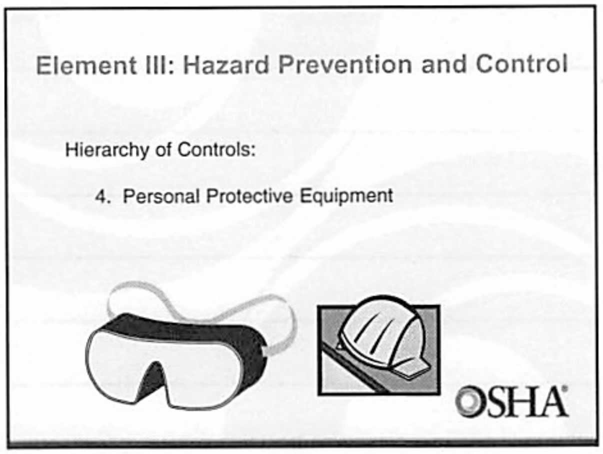


Element III: Hazard Prevention and Control

Hierarchy of Controls:

3. Work Practice Controls - Includes workplace rules, safe and healthful work practices, and procedures for specific operations

OSHA

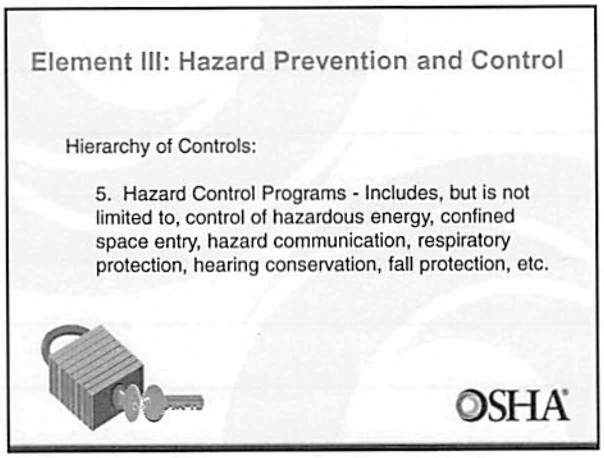


Element III: Hazard Prevention and Control

Hierarchy of Controls:

4. Personal Protective Equipment

OSHA

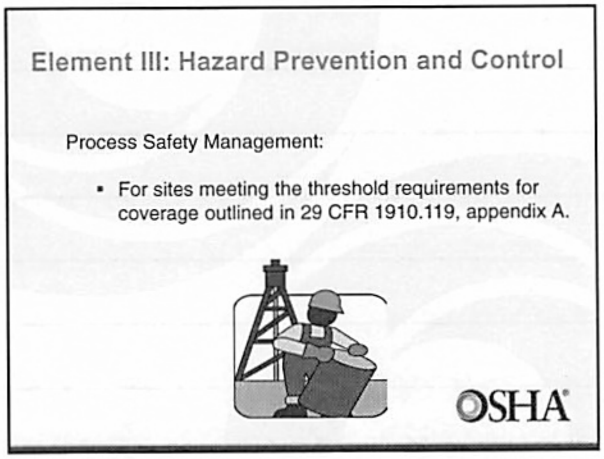


Element III: Hazard Prevention and Control

Hierarchy of Controls:

5. Hazard Control Programs - Includes, but is not limited to, control of hazardous energy, confined space entry, hazard communication, respiratory protection, hearing conservation, fall protection, etc.

OSHA

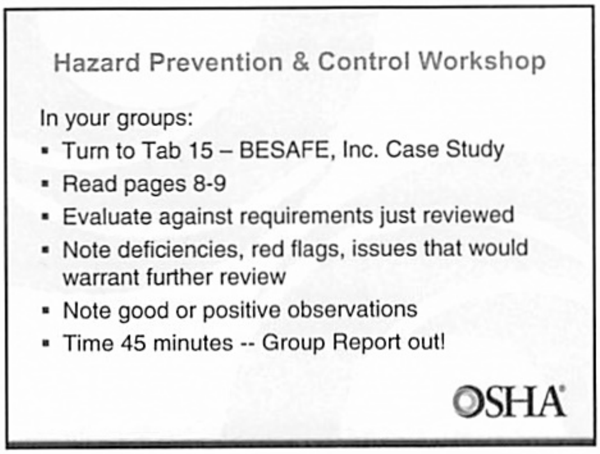


Element III: Hazard Prevention and Control

Process Safety Management:

- For sites meeting the threshold requirements for coverage outlined in 29 CFR 1910.119, appendix A.

OSHA

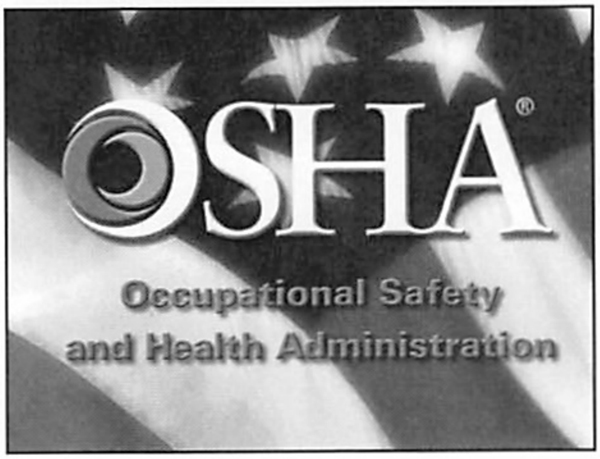


Hazard Prevention & Control Workshop

In your groups:

- Turn to Tab 15 – BESAFE, Inc. Case Study
- Read pages 8-9
- Evaluate against requirements just reviewed
- Note deficiencies, red flags, issues that would warrant further review
- Note good or positive observations
- Time 45 minutes -- Group Report out!

OSHA®



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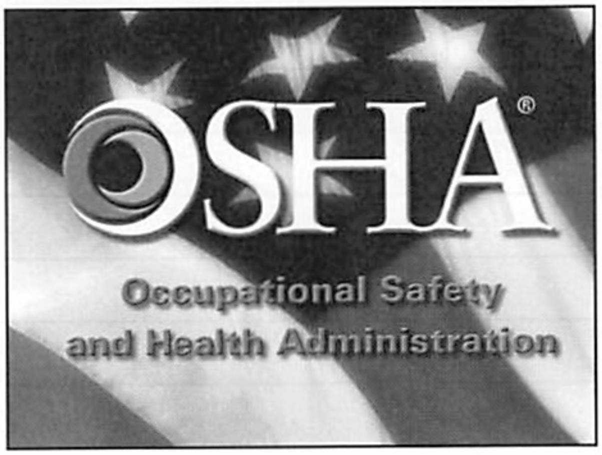
Occupational Safety and Health Administration



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Occupational Safety and Health Administration

Element IV

Safety & Health Training

OSHA® Occupational Safety and Health Administration

ELEMENT IV: Safety and Health Training

In this section, we will cover …

- Supervisors/Managers
- Employees
- Emergencies
- PPE

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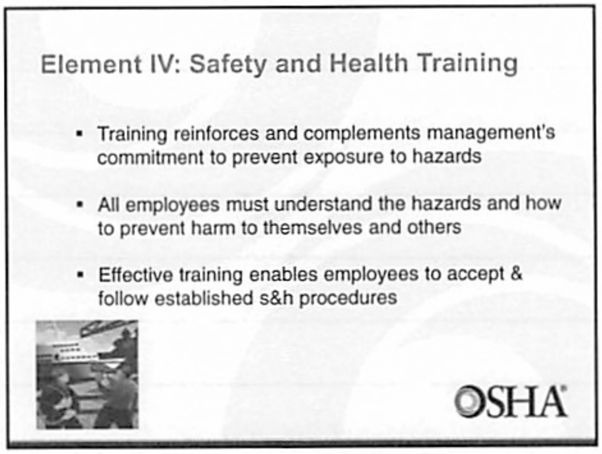
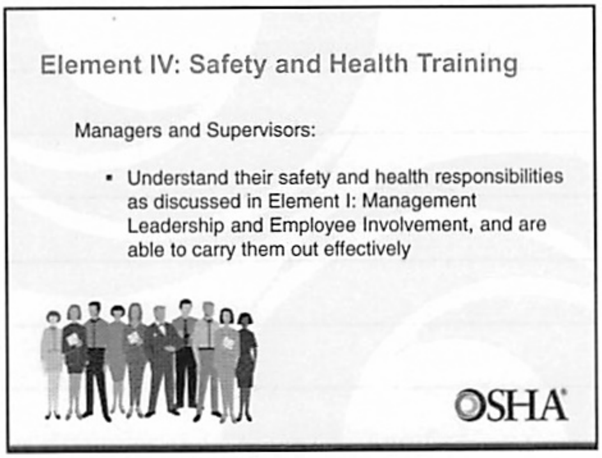


Element IV: Safety and Health Training

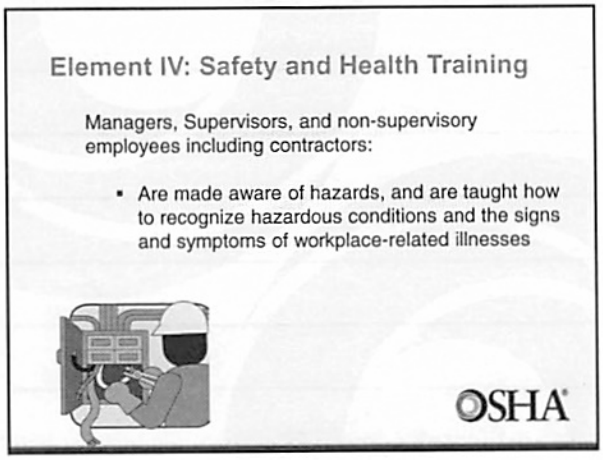
- Training reinforces and complements management's commitment to prevent exposure to hazards
- All employees must understand the hazards and how to prevent harm to themselves and others
- Effective training enables employees to accept & follow established s&h procedures



Element IV: Safety and Health Training

Managers and Supervisors:

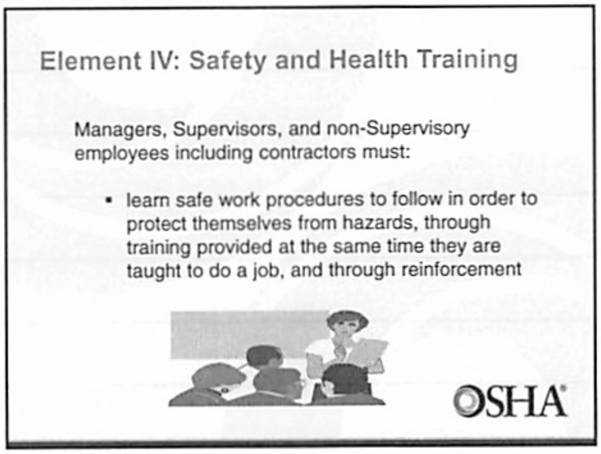
- Understand their safety and health responsibilities as discussed in Element I: Management Leadership and Employee Involvement, and are able to carry them out effectively



Element IV: Safety and Health Training

Managers, Supervisors, and non-supervisory employees including contractors:

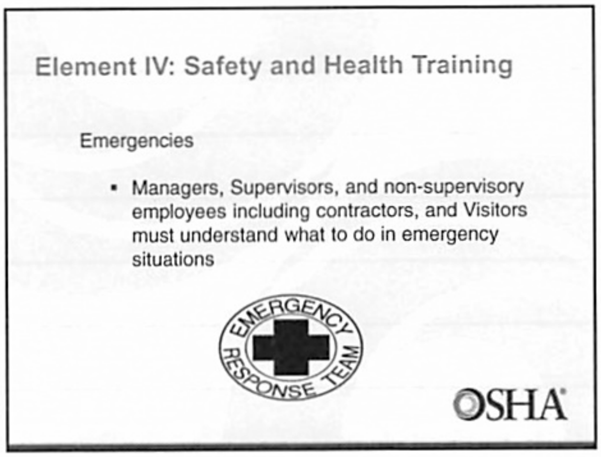
- Are made aware of hazards, and are taught how to recognize hazardous conditions and the signs and symptoms of workplace-related illnesses



Element IV: Safety and Health Training

Managers, Supervisors, and non-Supervisory employees including contractors must:

- learn safe work procedures to follow in order to protect themselves from hazards, through training provided at the same time they are taught to do a job, and through reinforcement

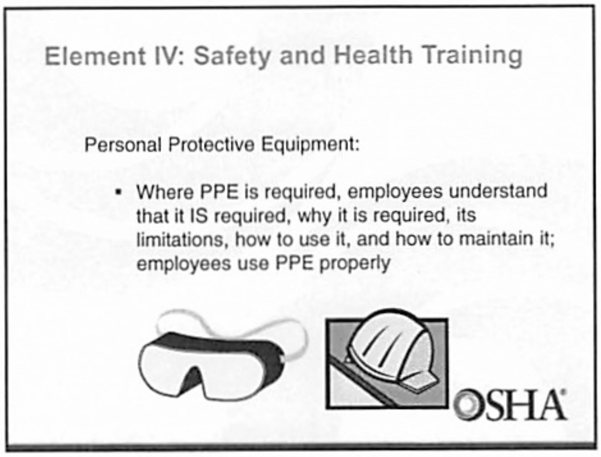


Element IV: Safety and Health Training

Emergencies

- Managers, Supervisors, and non-supervisory employees including contractors, and Visitors must understand what to do in emergency situations

EMERGENCY RESPONSE TEAM
OSHA



Element IV: Safety and Health Training

Personal Protective Equipment:

- Where PPE is required, employees understand that it IS required, why it is required, its limitations, how to use it, and how to maintain it; employees use PPE properly

Safety & Health Training Workshop

In your groups:

- Turn to Tab 15 – BESAFE, Inc. Case Study
- Read pages 10-11
- Evaluate against requirements just reviewed
- Note deficiencies, red flags, issues that would warrant further review
- Note good or positive observations
- Time 20 minutes -- Group Report out!

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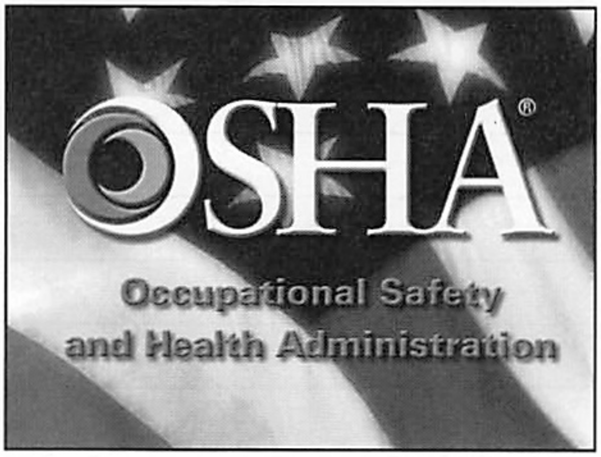
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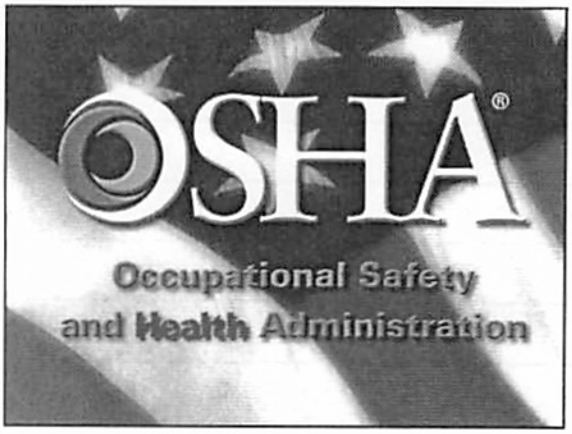

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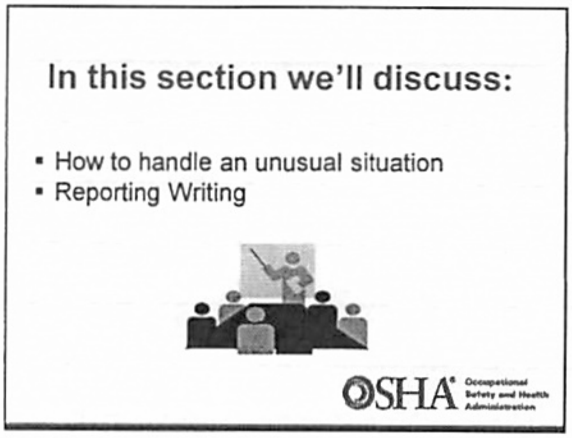
Occupational Safety and Health Administration



In this section we'll discuss:

- How to handle an unusual situation
- Reporting Writing

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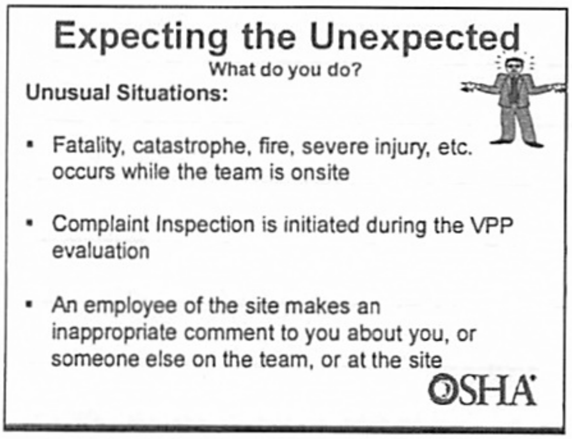

Expecting the Unexpected

What do you do?

Unusual Situations:

- Fatality, catastrophe, fire, severe injury, etc. occurs while the team is onsite
- Complaint Inspection is initiated during the VPP evaluation
- An employee of the site makes an inappropriate comment to you about you, or someone else on the team, or at the site

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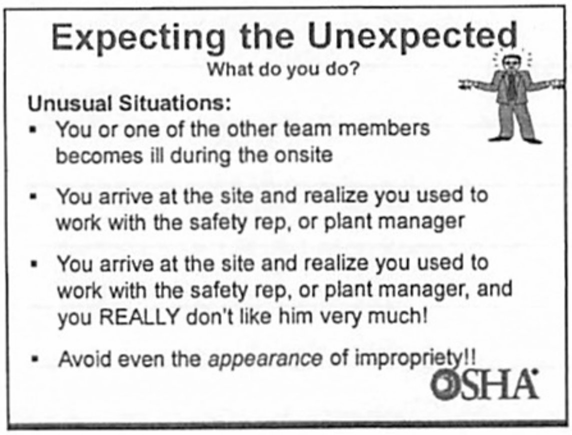


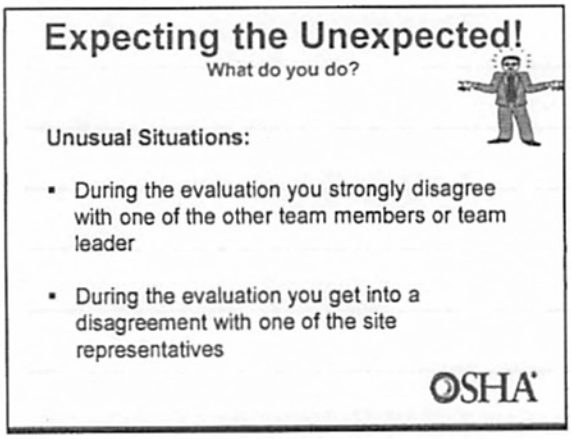
Expecting the Unexpected

What do you do?

Unusual Situations:

- You or one of the other team members becomes ill during the onsite
- You arrive at the site and realize you used to work with the safety rep, or plant manager
- You arrive at the site and realize you used to work with the safety rep, or plant manager, and you REALLY don't like him very much!
- Avoid even the *appearance* of impropriety!!

OSHA



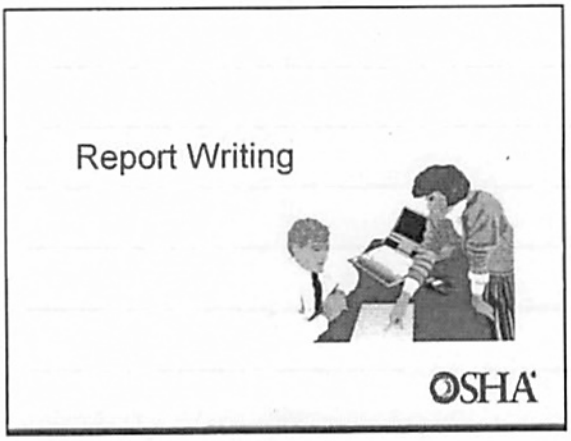
Expecting the Unexpected!

What do you do?

Unusual Situations:

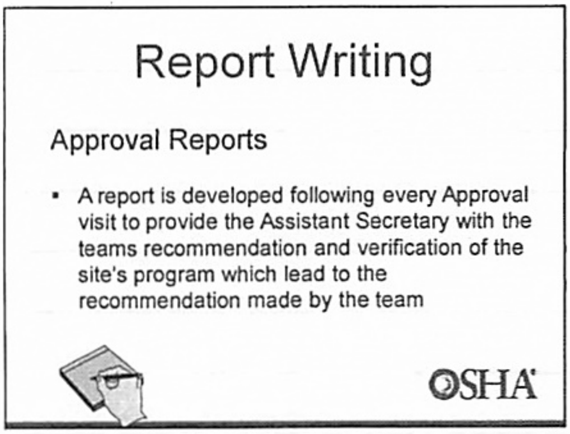
- During the evaluation you strongly disagree with one of the other team members or team leader
- During the evaluation you get into a disagreement with one of the site representatives

OSHA



Report Writing

OSHA

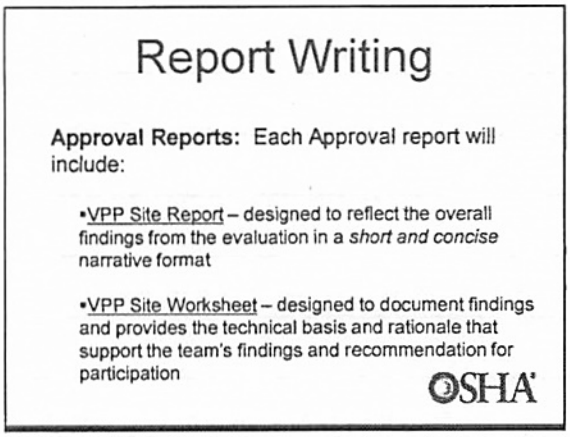


Report Writing

Approval Reports

- A report is developed following every Approval visit to provide the Assistant Secretary with the teams recommendation and verification of the site's program which lead to the recommendation made by the team

OSHA



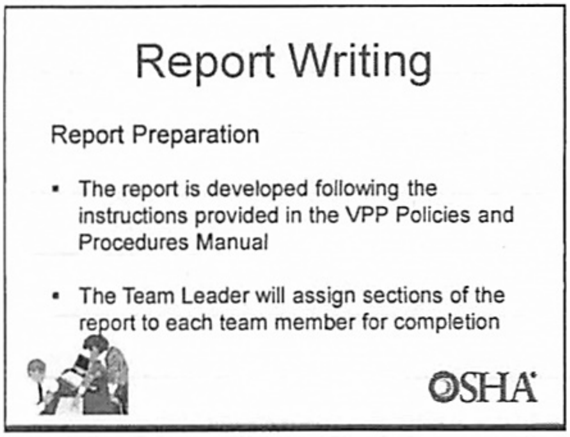
Report Writing

Approval Reports: Each Approval report will include:

•VPP Site Report – designed to reflect the overall findings from the evaluation in a *short and concise* narrative format

•VPP Site Worksheet – designed to document findings and provides the technical basis and rationale that support the team's findings and recommendation for participation

OSHA



Report Writing

Report Preparation

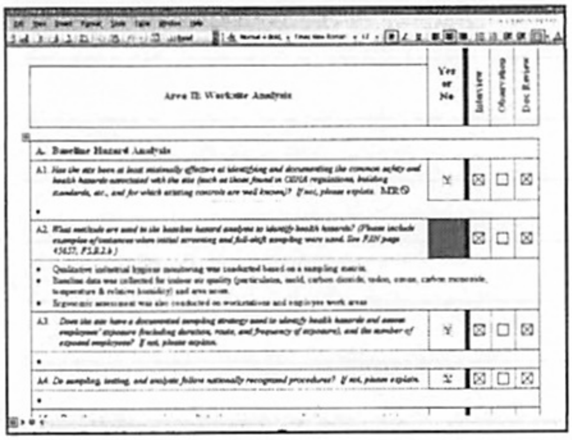
- The report is developed following the instructions provided in the VPP Policies and Procedures Manual
- The Team Leader will assign sections of the report to each team member for completion

OSHA

Report Writing

Report Preparation

- SGE report writing assignments will generally be in worksite analysis, hazard prevention and control, and safety and health training (Sections II, III, and IV)
- The Team Leader will combine all sections of the report and develop a final product

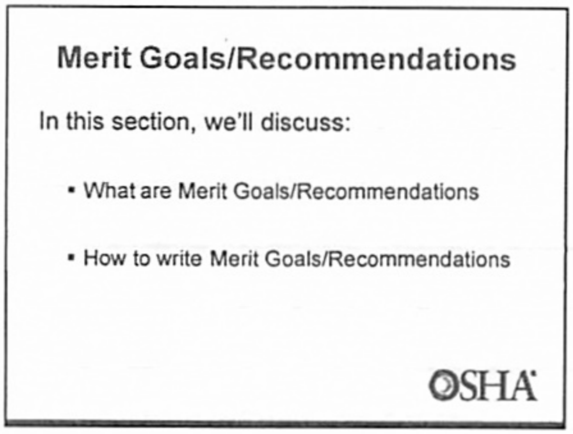


Area II: Worksite Analysis	Yes or No	Interview	Observation	Doc Review
A. Baseline Hazard Analysis				
A1. *Has the site been at least minimally effective at identifying and documenting the common safety and health hazards associated with the site (such as those found in OSHA regulations, building standards, etc., and for which existing controls are well known)? If not, please explain.* MR☺	Y	☒	☐	☒
•				
A2. *What methods are used in the baseline hazard analyses to identify health hazards? (Please include examples of instances when initial screening and full-shift sampling were used. See FRN page 45657, F.5.B.2.b.)*	▇	☒	☐	☒
• Qualitative industrial hygiene monitoring was conducted based on a sampling matrix. • Baseline data was collected for indoor air quality (particulates, mold, carbon dioxide, radon, ozone, carbon monoxide, temperature & relative humidity) and area noise. • Ergonomic assessment was also conducted on workstations and employee work areas				
A3. *Does the site have a documented sampling strategy used to identify health hazards and assess employees' exposure (including duration, route, and frequency of exposure), and the number of exposed employees? If not, please explain.*	Y	☒	☐	☒
•				
A4. *Do sampling, testing, and analysis follow nationally recognized procedures? If not, please explain.*	Y	☒	☐	☒
•				

Report Writing Workshop

In your group:

- Answer the following questions on the worksheet
  - I Mgmt Commitment – C1-2; E1-11; F1-4
  - II Worksite Analysis – A2; A4; C1-4; D7; E1; G4
  - III Haz. Prev/Cont – A7-15; B1-3
  - IV Training - All
- Use Worksheet format & answer selected questions
- Use case study notes
- Support response with evidence (or lack of) and how assessed (Observations, Interviews, Walkthroughs)
- Group report out!

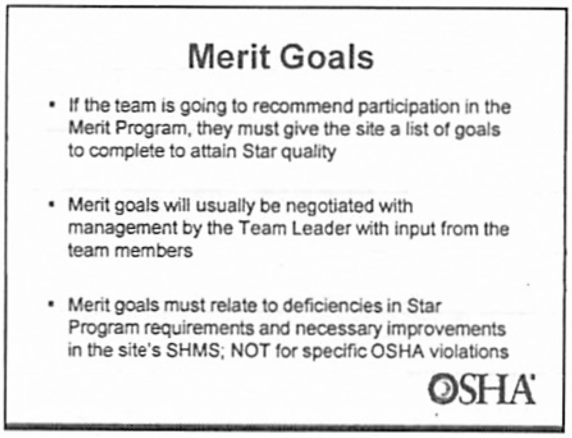


Merit Goals/Recommendations

In this section, we'll discuss:

- What are Merit Goals/Recommendations
- How to write Merit Goals/Recommendations

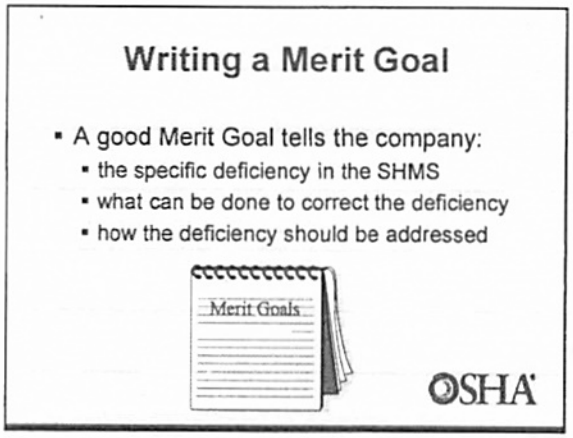
OSHA



Merit Goals

- If the team is going to recommend participation in the Merit Program, they must give the site a list of goals to complete to attain Star quality
- Merit goals will usually be negotiated with management by the Team Leader with input from the team members
- Merit goals must relate to deficiencies in Star Program requirements and necessary improvements in the site's SHMS; NOT for specific OSHA violations

OSHA



Writing a Merit Goal

- A good Merit Goal tells the company:
  - the specific deficiency in the SHMS
  - what can be done to correct the deficiency
  - how the deficiency should be addressed

Merit Goals

OSHA

Examples of BAD Merit Goals

- Get your injury rates to below the National Average
- Document JHA's
- Increase employee involvement

OSHA

Example of a Good Merit Goal

- Routine inspections – Routine inspection reports did not indicate a responsible party for correction of hazards and the dates that hazards must be corrected. This resulted in several hazards not being corrected for a long period of time. -- (See Worksheet Section II, Question D.6.)
  - Ensure that inspection reports assign a responsible party and a correction date for hazards

OSHA

90-day items

- 90-day items are compliance related issues that can be corrected within 90-days
  In construction, the correction is immediate or no longer than 30 days
- A program recommendation may be deferred by the team leader until all 90-day items have been corrected
- Failure to correct 90-day items may result in withdrawal from the VPP or termination

OSHA

90-day items - *Examples*

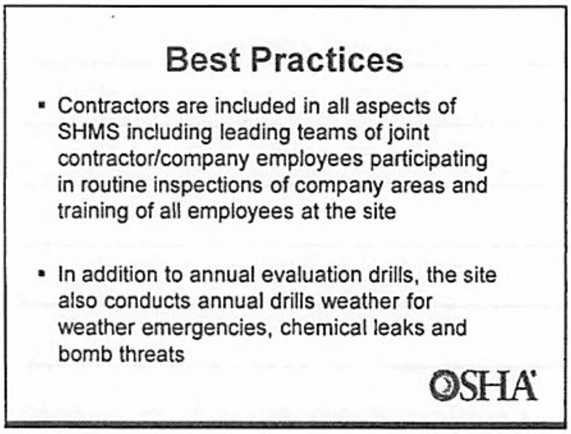
- Specific LOTO procedures need to be developed for two hydraulic presses in the maintenance shop
- Point of operation guarding needs be provided for the riveting machine
- Exit signage needs to be added in the laundry area hallway
- A fall protection system needs to be implemented for maintenance personnel accessing the top of the corrugator

Recommendations

- Recommendations are made to the site to help them further improve their SHMS
- Recommendations are not specific VPP requirement or violation of an OSHA standard

Recommendations - *Examples*

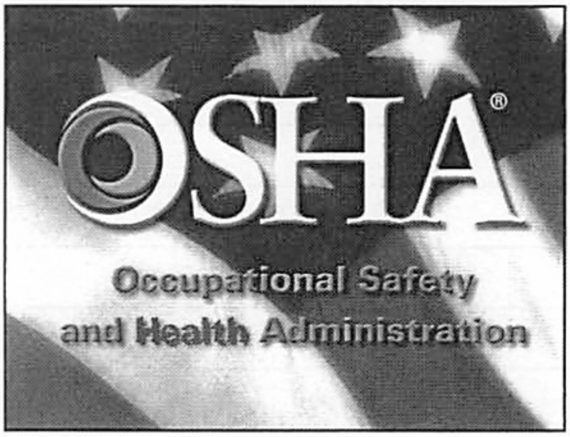
- Extend safety and health accountability beyond managers to include all employees
- Site personnel should attend the Regional VPPPA Conference and participate in the Mentoring Program
- Site S&H personnel should consider becoming SGEs



Best Practices

- Contractors are included in all aspects of SHMS including leading teams of joint contractor/company employees participating in routine inspections of company areas and training of all employees at the site
- In addition to annual evaluation drills, the site also conducts annual drills weather for weather emergencies, chemical leaks and bomb threats

OSHA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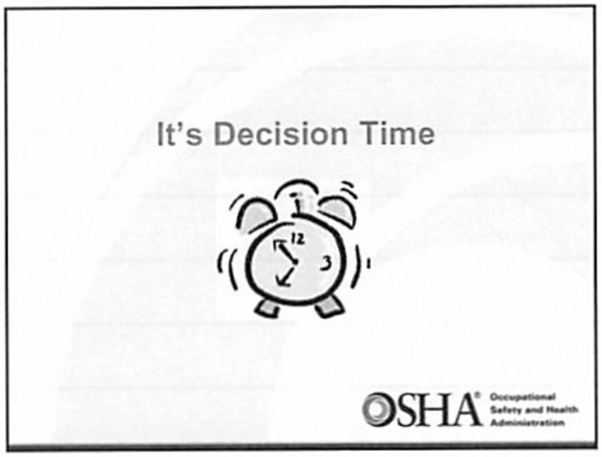

It's Decision Time

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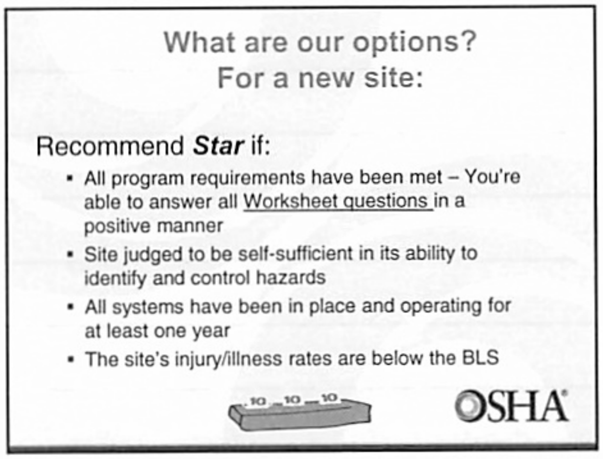

What are our options? For a new site:

Recommend ***Star*** if:

- All program requirements have been met – You're able to answer all Worksheet questions in a positive manner
- Site judged to be self-sufficient in its ability to identify and control hazards
- All systems have been in place and operating for at least one year
- The site's injury/illness rates are below the BLS

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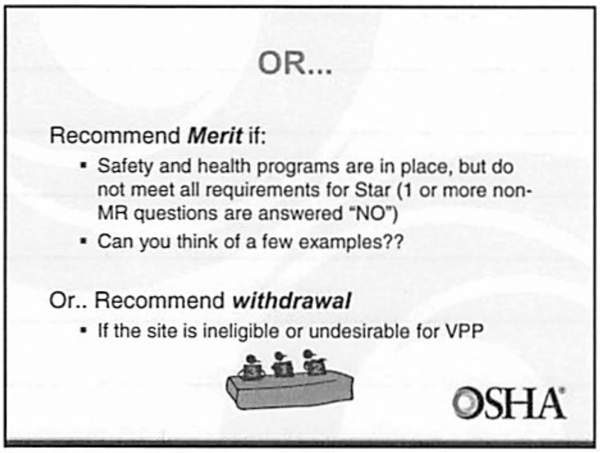

OR...

Recommend ***Merit*** if:

- Safety and health programs are in place, but do not meet all requirements for Star (1 or more non-MR questions are answered "NO")
- Can you think of a few examples??

Or.. Recommend ***withdrawal***

- If the site is ineligible or undesirable for VPP

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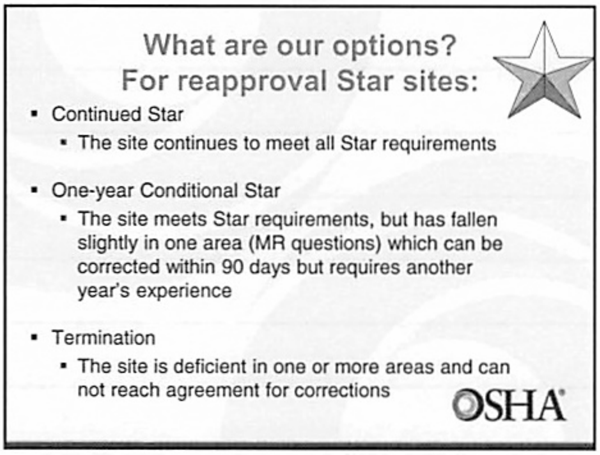

What are our options?
For reapproval Star sites:

- Continued Star
  - The site continues to meet all Star requirements
- One-year Conditional Star
  - The site meets Star requirements, but has fallen slightly in one area (MR questions) which can be corrected within 90 days but requires another year's experience
- Termination
  - The site is deficient in one or more areas and can not reach agreement for corrections

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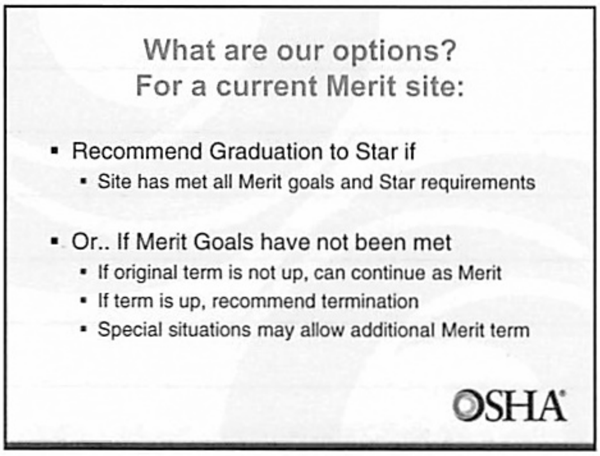

What are our options?
For a current Merit site:

- Recommend Graduation to Star if
  - Site has met all Merit goals and Star requirements
- Or.. If Merit Goals have not been met
  - If original term is not up, can continue as Merit
  - If term is up, recommend termination
  - Special situations may allow additional Merit term

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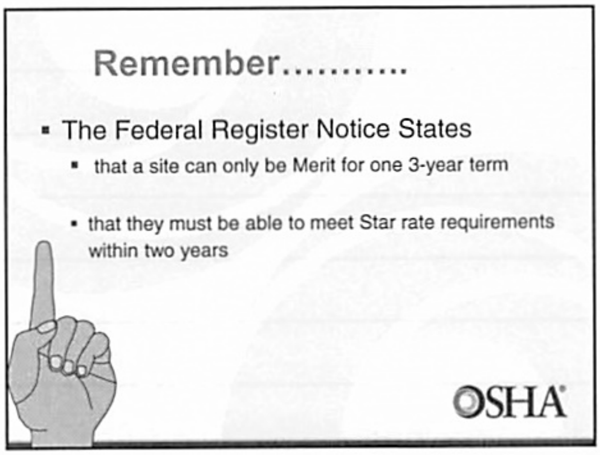
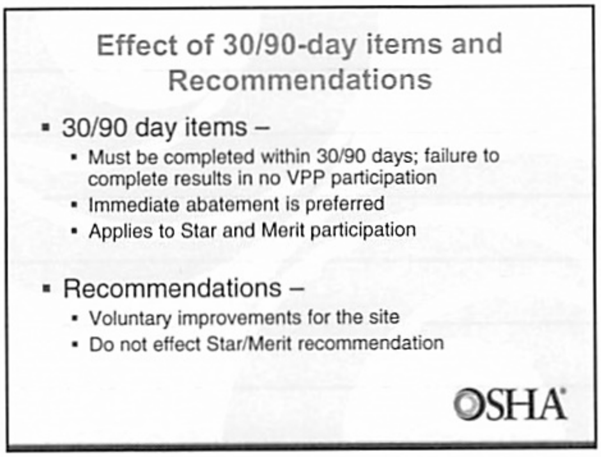


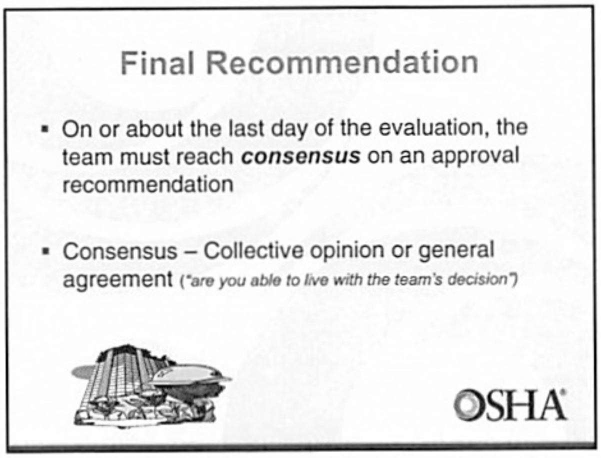
Remember..........

- The Federal Register Notice States
  - that a site can only be Merit for one 3-year term
  - that they must be able to meet Star rate requirements within two years



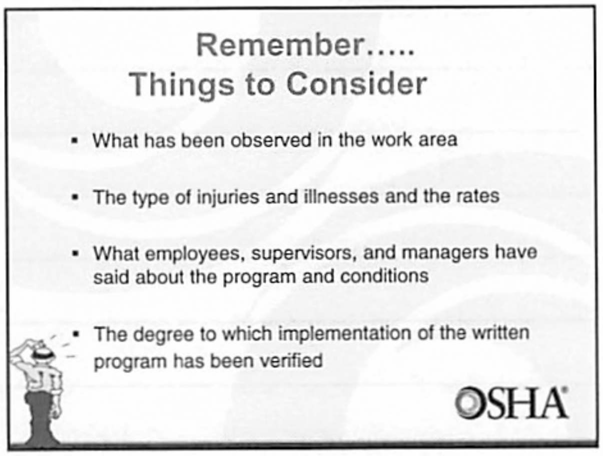
Effect of 30/90-day items and Recommendations

- 30/90 day items –
  - Must be completed within 30/90 days; failure to complete results in no VPP participation
  - Immediate abatement is preferred
  - Applies to Star and Merit participation
- Recommendations –
  - Voluntary improvements for the site
  - Do not effect Star/Merit recommendation



Final Recommendation

- On or about the last day of the evaluation, the team must reach ***consensus*** on an approval recommendation
- Consensus – Collective opinion or general agreement *("are you able to live with the team's decision")*



Remember…..
Things to Consider

- What has been observed in the work area
- The type of injuries and illnesses and the rates
- What employees, supervisors, and managers have said about the program and conditions
- The degree to which implementation of the written program has been verified

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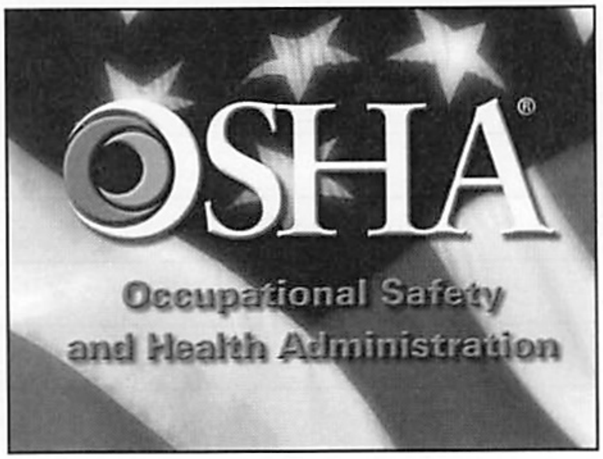

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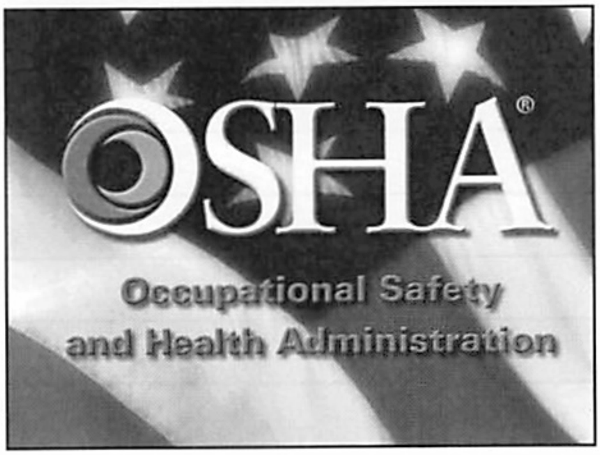

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THE HOME STRETCH

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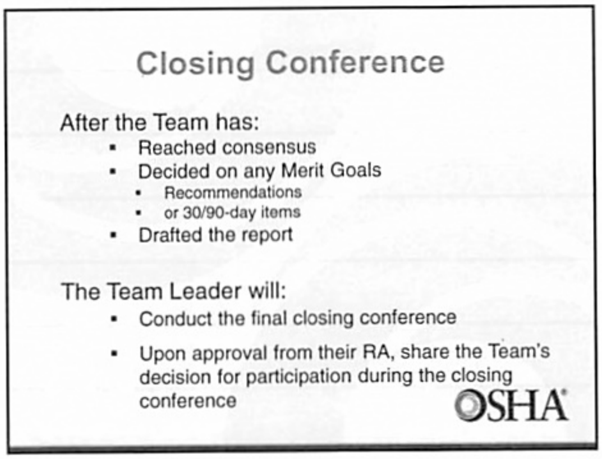

Closing Conference

After the Team has:

- Reached consensus
- Decided on any Merit Goals
  - Recommendations
  - or 30/90-day items
- Drafted the report

The Team Leader will:

- Conduct the final closing conference
- Upon approval from their RA, share the Team's decision for participation during the closing conference

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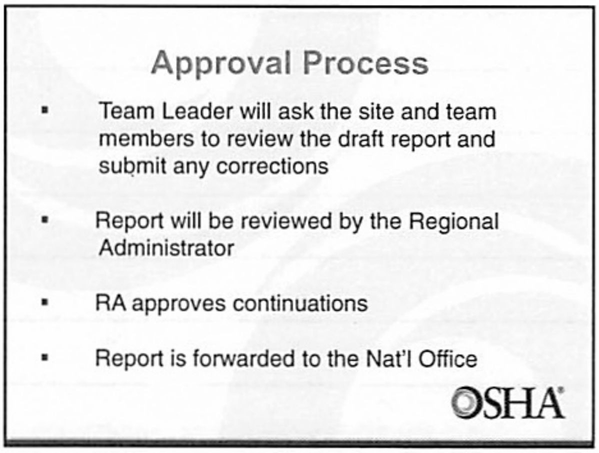
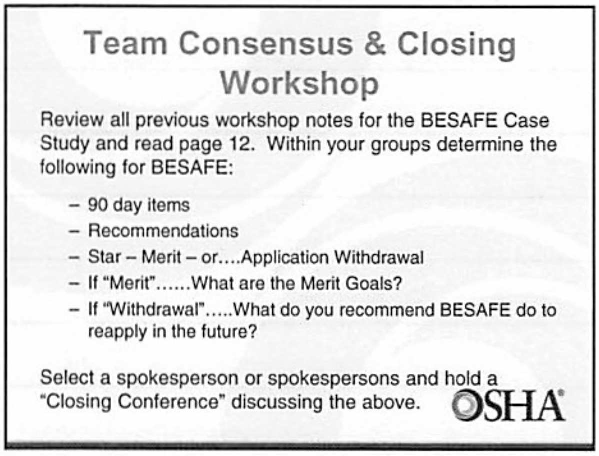


Approval Process

- Team Leader will ask the site and team members to review the draft report and submit any corrections
- Report will be reviewed by the Regional Administrator
- RA approves continuations
- Report is forwarded to the Nat'l Office

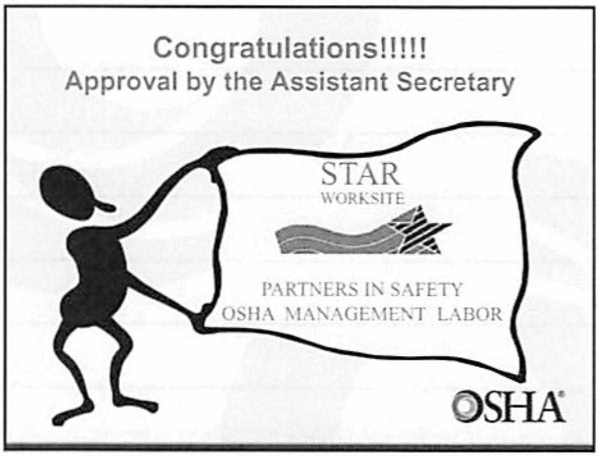


Team Consensus & Closing Workshop

Review all previous workshop notes for the BESAFE Case Study and read page 12. Within your groups determine the following for BESAFE:

- 90 day items
- Recommendations
- Star – Merit – or….Application Withdrawal
- If "Merit"……What are the Merit Goals?
- If "Withdrawal"…..What do you recommend BESAFE do to reapply in the future?

Select a spokesperson or spokespersons and hold a "Closing Conference" discussing the above.



Congratulations!!!!!
Approval by the Assistant Secretary

How to Get on a Team?

- Name added to global email list
- Contact Regional VPP Mgr. or Team leader will recruit via email, phone
  - Maybe based on specialty i.e., Construction, PSM
- Respond only if available.....OR
- Visit the SGE webpage for upcoming visits
- Name vetted by National Office every time

It is recommended that you participate on an evaluation or other qualifying activity ASAP.

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Communication with SGE Coordinator

- Any questions or concerns after SGE training, please email the SGE Coordinator at SGECoordinator@dol.gov
- Or call 202-693-2213

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original records resulting from its product testing and evaluation functions. These critical documents allow NRTLs to exercise quality control over product testing and evaluation functions, and permit OSHA to perform an accurate audit of these NRTL functions. SNAP sites must have the capability to maintain, and provide OSHA with access to, records of functions performed on behalf of NRTLs.

D. *Perform final technical reviews and make decisions on product certification.* Final technical reviews and subsequent decisions regarding product certification are the last functions performed in the technical process for product certification. To provide assurance that a product meets the relevant test standard(s), only a well qualified technical staff can perform these functions. As with recognized sites, SNAP sites can perform these functions only if they have demonstrated the capability of doing so.

E. *Authorize use of an NRTL's mark.* An NRTL's mark symbolizes the final decision to certify a product, and clearly identifies the NRTL as the source responsible for testing and certifying the product. While the SNAP will permit a SNAP site to authorize the mark of the NRTL for which it performs product-testing and -certification functions, the NRTLs must control the use of their marks and ensure that SNAP sites authorize this use only after the decision to certify a product.

F. *SNAP product-testing activity.* SNAP sites may perform product testing within the scope of recognition of the NRTL, provided that the NRTL qualifies the site as having the capability for this testing. This activity may be the only activity performed by a SNAP site, or supplement one or more SNAP functions.

IV. Submitting SNAP Applications

OSHA will begin accepting applications from NRTLs for the SNAP after its effective date of May 11, 2009. At that time, OSHA will invite NRTLs and NRTL applicants to apply for approval to participate in SNAP and establish SNAP sites. Prior to submitting a SNAP application, applicants should review the SNAP Description, which OSHA will make available on its Web site for the NRTL Program at *http://www.osha-slc.gov/dts/otpca/nrtl/index.html.* This Web site will contain instructions describing the information to submit in a SNAP application and will provide an application format that may be used for this purpose.

V. Authority and Signature

Thomas M. Stohler, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655 and 657), Secretary of Labor's Order 5–2007 (72 FR 31160), and 29 CFR 1911.

Signed at Washington, DC, on January 5th, 2009.

Thomas M. Stohler,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E9–163 Filed 1–8–09; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Revisions to the Voluntary Protection Programs To Provide Safe and Healthful Working Conditions

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of revisions to the program.

SUMMARY: This notice, which sets forth the basic philosophy and requirements of the Occupational Safety and Health Administration's Voluntary Protection Programs (VPP), revises VPP's traditional focus on individual fixed worksites by adding two new ways to participate: Mobile workforce and corporate. A significant reorganization of the program helps clarify the multiple participation options now available. Additional changes include: Greater flexibility in the VPP Demonstration Program; modified provisions concerning Star Program Rate Reduction Plans and 1-Year Conditional status; clarified requirements for Federal agency participants performing construction activities; and a new expectation concerning outreach and mentoring activities.

DATES: The revisions are effective 120 days from date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Cathy Oliver, Director, Office of Partnerships and Recognition, Occupational Safety and Health Administration, Room N3700, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693–2213. Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's Web site, *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Voluntary Protection Programs (VPP), adopted by OSHA in **Federal Register** Notice 47 FR 29025, July 2, 1982, and subsequently revised, have established the efficacy of cooperative action among government, industry, and labor to address worker safety and health issues and expand worker protection. VPP participation requirements center on comprehensive management systems with significant management leadership and active employee involvement to prevent or control the safety and health hazards at the worksite. Employers who qualify generally view OSHA standards as a minimum level of safety and health performance and set their own more stringent standards where necessary for effective employee protection.

Continuous improvement is a well-established principle of VPP. Participants strive to make ongoing gains in performance and protective systems, and OSHA strives to improve the VPP, its policies and procedures, and its impact on workplaces throughout the United States.

The well documented success of VPP, the applicability of VPP principles to diverse industries and work situations, and the presence within its ranks of world-class models of safety and health excellence have produced a continuing stream of applications from small and large businesses and Federal agencies, both union and non-union. VPP, OSHA's premier recognition program, has become a powerful tool for reducing workplace injuries and illnesses.

VPP's original focus was on establishing effective safety and health management systems at individual fixed worksites where the employer had responsibility and authority to control safety and health. OSHA's experience with VPP Demonstration Programs and other cooperative programs, and the public comments on its proposal in the **Federal Register** to establish a VPP for Construction, 69 FR 53300, August 31, 2004, have demonstrated that the basic principles of site-based safety and health management apply equally well to workforces that move from one work project and location to another and whose employers may not have controlling authority for safety and health.

Therefore, VPP now changes from a primarily site-based program to one that welcomes applications from both individual fixed worksites and employers with mobile workforces. This change opens new opportunities for participation by exemplary employers in the construction industry plus mobile workforce employers in other industries. OSHA is pleased to extend the benefits of VPP to these employers and employees.

In addition to its efforts to make VPP eligibility more inclusive, OSHA has been experimenting with ways to make the VPP application and review process more efficient and less resource-intensive for applicants and the Agency. The VPP Corporate Pilot, operating since 2004, has tested new VPP processes for multi-facility applicants who demonstrate a strong commitment to employee safety and health and VPP. These applicants, typically large corporations or Federal agencies, have adopted VPP on a broad scale for protecting the safety and health of their employees.

OSHA has required VPP Corporate Pilot applicants and participants to have established, standardized corporate-level safety and health management systems that are effectively implemented organization-wide, as well as internal screening processes for evaluating their facilities' safety and health performance. Under the VPP Corporate Pilot, OSHA has offered streamlined processes to eliminate redundancies in application requirements and onsite review procedures while continuing to perform careful onsite reviews of all applicant facilities. The efficiencies tested successfully within this pilot have encouraged numerous multi-facility employers to make an organization-wide commitment to VPP. The lessons learned (discussed in Section II) now enable OSHA to add to VPP the new option of corporate participation.

Once the following revisions become effective, OSHA will move current participants in its VPP Mobile Workforce Demonstration for Construction and its VPP Corporate Pilot into the appropriate VPP program (Star or Merit) and way to participate (site-based, mobile workforce, or corporate).

B. Statutory Framework

The Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.* (hereinafter referred to as the OSH Act), was enacted "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources * * *."

Section 2(b) specifies the measures by which the Congress would have OSHA carry out these purposes. The following are provisions which represent the legislative authority applicable to the Voluntary Protection Programs:

> "* * * (1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;"
>
> "* * * (4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;"
>
> "* * * (5) * * * by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;"
>
> "* * * (13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment."

C. States with OSHA-approved State Plans

As provided by Section 18 of the OSH Act, 26 States have received OSHA approval to operate their own occupational safety and health programs, which must be at least as effective as the Federal OSHA program. Twenty-two of these State Plans cover both private and public sector employees; four cover public sector only. The States have been encouraged to establish their own VPPs parallel to the Federal VPP. All States with OSHA-approved State Plans have established VPPs, submitted documentation, and received approval from OSHA.

State VPPs may contain different participation categories, processes, and criteria. Some States include programs that correspond to OSHA's current Star, Merit and Demonstration Programs. Some States already have expanded their construction industry VPP participation options.

When the following revisions become effective, all State Plans will be required to advise OSHA whether they intend to adopt similar changes to their current programs, including the addition of mobile workforce and corporate ways to participate. They will be asked to submit documentation on any revisions for OSHA review. OSHA will make available on its Web site summary information on the States' responses to this Federal Program Change.

II. Discussion of the Changes

A. Mobile Workforce Participation

The construction industry, traditionally one of the nation's most hazardous, has not been able to take full advantage of the benefits of VPP participation. There are multiple reasons for the industry's underrepresentation. These include:

- VPP eligibility requirements traditionally apply to fixed worksites "controlled" by the applicant. This alone rules out many trades-oriented employers acting as subcontractors, for example, plumbers, heating and ventilation workers, drywall installers, etc. Many of these employers, nevertheless, have exceptional safety and health management systems that proactively identify and protect their workers from hazards, regardless of where they are working.
- The short-term scope of some construction projects and the mobile nature of the construction workforce have limited construction industry participation in VPP.
- A construction site, with its often hazardous and frequently changing working conditions, presents unique challenges to the development and implementation of an effective safety and health management system.

OSHA, the Advisory Committee on Construction Safety and Health (ACCSH), and industry representatives agree that making VPP a feasible goal for small, medium, and large construction employers would encourage a greater number of them to implement effective safety and health management systems. In OSHA's experience, such systems are the best way to reduce work-related injuries, illnesses, and fatalities.

To that end, OSHA implemented two VPP Demonstration programs in 1998 to evaluate alternative VPP criteria that, if successful, could lead to greater construction participation. The Star Demonstration for Short-Term Construction Projects involved construction employers and subcontractors working at selected short-term worksites (12–18 months duration). The program tested alternative VPP eligibility requirements and procedures, and enabled OSHA to gain experience in how such companies ensure safe and healthful work environments at multiple, short-term construction sites. The Mobile Workforce Star Demonstration Program gave companies whose employees travel from one site to another and that typically do not "control" the worksite the opportunity to demonstrate their ability to provide high level safety and health protection for their mobile workforce. OSHA required participants in both programs to maintain all four of the safety and health management system elements of the traditional VPP—management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training—at a level of excellence equal to VPP's Star Program.

The documented success of those demonstrations, and especially a modified demonstration within Region V's Cincinnati Area Office, led to meetings in 2003 and 2004 with construction employers, trade association representatives, and representatives of the Building and Construction Trades Department, AFL–CIO.

OSHA, convinced of the importance and feasibility of bringing more construction companies into VPP, proposed in **Federal Register** Notice 69 FR 53300, August 31, 2004, to establish a new VPP for Construction. The Agency asked for comments on its proposal from stakeholders and the general public.

OSHA received feedback from 18 commenters: two associations representing VPP participants; two national unions; one association of safety professionals; six trade associations representing construction industry employers; three VPP participating companies; one construction company outside VPP; and three private individuals. The numbered sections below review comments relevant to major issues, the Agency's subsequent decisionmaking, creation of the 2006 Mobile Workforce Demonstration for Construction, and VPP revisions contained in this notice.

Based on comments received in 2004 and further discussion within the Agency, OSHA chose to continue exploring alternative VPP policies and procedures for the construction industry in a new, nationwide VPP Mobile Workforce Demonstration for Construction, launched in 2006. OSHA welcomed applications from construction companies ranging from large, controlling general contractors to small specialty trade contractors whose employees moved frequently from site to site.

OSHA's various construction demonstrations have had the positive effect of increasing construction industry participation in VPP. The overall experience of these construction participants has been outstanding. Construction employers who have participated in VPP Demonstration Programs have achieved, as a group, Total Case Incidence Rates (TCIR) and Days Away/Restricted/Transfer (DART) rates 54 percent and 56 percent below published Bureau of Labor Statistics industry rates (2006 VADS, OSHA's VPP data system). Their injury and illness rate experience subsequent to entering VPP programs has been either on par or below the overall VPP average rates for general industry.

1. Safety and Health Management System

Several commenters voiced concern that the proposed safety and health management system for construction employers, which did not differ significantly from the comprehensive system required of site-based VPP participants, placed too great a burden on small construction companies and failed to recognize the construction industry's differences from other industries. Several commenters were particularly critical of requiring site implementation plans for every work project.

OSHA's VPP experience provides ample evidence that VPP's safety and health management system, which is performance-based and requires participants to identify their specific hazards, needs, and appropriate protective measures, provides sufficient flexibility and can be applied to any industry. The experience of the early construction demonstrations, as well as the ongoing experience of VPP's site-based construction participants, shows that even small construction companies are capable of working successfully with the VPP model, attaining VPP approval, and maintaining VPP-quality systems and performance. The 2006 Mobile Workforce Demonstration bears out this earlier experience: As of December 2007, 28 percent of all mobile workforce participants reported fewer than 100 employees including contractor/subcontractor employees (whose injury and illness experience is rolled up with regular employees).

OSHA did recognize that requiring individual, comprehensive site implementation plans might be an unnecessary and burdensome condition of participation, and the Agency eliminated this feature in the subsequent 2006 Demonstration Program. Moreover, OSHA decided to build additional flexibility and sensitivity to construction workplace conditions into the 2006 Demonstration by having applicants develop a unique Participation Plan. This plan was limited to addressing elements of the applicant's participation that differed in substance or emphasis from the traditional VPP requirements, such as different employee involvement strategies, baseline hazard analysis, and emergency response and evacuation procedures. The Participation Plan has been a valuable feature of the 2006 Demonstration and is now made part of the mobile workforce way to participate (VI.C.1.b.).

2. Geographic Boundary for Participation

Some commenters questioned the need for construction company participation boundaries defined by OSHA Region or Area Office. OSHA understands that mobile construction operations do not adhere to Federal agency boundaries. However, the Regions and Area Offices are best able to establish close working relationships with mobile workforce participants, and it is through these relationships that OSHA is able to provide the cooperative dialogue and support that is expected within VPP.

There may be companies whose very scattered work projects pose a barrier to their mobile workforce participation. Site-based participation may be appropriate for some of these companies. OSHA's experience indicates that the vast majority of construction employers, especially small employers whose operations tend to be more restricted geographically, will be able to identify and participate within what these revisions now identify as a Designated Geographic Area (DGA) (VI.C.1.c.). Multiple DGAs have been utilized successfully by several participants in the 2006 Demonstration to expand their participation to more than one OSHA Area Office or Region.

3. Onsite Evaluations

Most comments dealing with the onsite evaluation process for construction applicants/participants focused on:

- The number of different worksites/projects OSHA would evaluate during the approval process, and
- The frequency of reapproval visits.

The proposed tiered approach (2–25 sites = 2 visits; 26–99 sites = 3 visits; 100+ sites = 4 visits) elicited both positive and negative responses. Some commenters recommended more visits, some less, and some recommended OSHA visit a percentage of sites. After considerable discussion within the Agency, which included reference to OSHA's unsuccessful attempt to implement a similar tiered approach within the OSHA Strategic Partnership Program, OSHA decided to eliminate the tiered approach. In many instances, it would obligate OSHA to perform more inspection visits than a non-VPP participant typically would receive, an impractical consequence that OSHA Partnership personnel first reported.

In the 2006 Demonstration, OSHA tested a new approach that set a minimum of one visit and gave Regional Administrators the responsibility and flexibility to decide, based on the complexity and scope of an applicant's operations, whether and how many additional sites should be visited.

Four commenters questioned OSHA's proposal to reevaluate construction participants on a 2-year cycle. They argued that the frequency of reevaluation should be consistent with the existing VPP reevaluation schedule, which calls for Star reevaluations every 3 to 5 years. In the subsequent 2006 Demonstration, OSHA adhered to the Demonstration Program requirement for reevaluation every 12 to 18 months. OSHA personnel administering the Demonstration found that a 12- to 18-month frequency is unnecessary and burdensome. However, OSHA does not believe that the site-based 3- to 5-year interval is appropriate, given the dynamic, frequently changing sites/projects and conditions of construction employers. OSHA has decided to reevaluate mobile workforce Star participants within 18 to 24 months of initial approval, and subsequently at no greater than 36-month intervals. While OSHA recognizes the value of consistency across the programs, and has built consistency into most areas of this revised VPP, the Agency believes this differing reevaluation schedule is most likely to ensure worker protection without overburdening the Agency and mobile workforce participants.

4. Union Support for Participation

The mobile workforce way to participate contains a requirement for documented union support that differs from the traditional, site-based requirement. This change is grounded in OSHA's experience with VPP construction applicants/participants.

When multiple unions represent employees at an applicant/participant site or within a DGA, OSHA's willingness to consider less than 100 percent union support first appeared in the proposal for a VPP for Construction, 69 FR 53300, August 31, 2004. OSHA sought public input on the complex question of how to assure union support when, "At a typical construction project, multiple unions may represent workers, and different unions may represent workers at different phases of the project. Some unions may represent many workers, others only a few. Should OSHA require written support from some or all? What means should OSHA accept as demonstrations of support? Should the requirement be different for site-based applicants and [multi-site, mobile workforce] applicants? How should OSHA respond if one of multiple authorized representatives * * * subsequently withdraws support?"

OSHA received comments on this issue from nine respondents, including two associations that represent VPP participants and employer associations with both unionized and non-union member companies. At one end of the spectrum was the recommendation to drop the requirement for union support if the workforce is not fully unionized. At the other end of the spectrum was the recommendation to continue the current site-based requirement of 100 percent union support and thereby maintain consistency throughout the VPP. Other commenters suggested various degrees and methodologies of union support, depending on employer and worksite circumstances.

After considering these comments and further internal Agency discussion, OSHA, in its 2006 Mobile Workforce Demonstration for Construction, introduced a compromise provision: When a majority of employees are represented by unions, OSHA requires (in the Demonstration) signed statements of support from enough unions to represent a majority of all employees. This new approach continued to recognize the importance of union support for VPP while, at the same time, it recognized that obtaining 100 percent union support may not be feasible at construction worksites. The notion of fairness also entered into the decision to test an alternative requirement for union support. Many VPP supporters, within the Agency, at approved VPP sites, and elsewhere, have voiced concern over the years about the possibility of a small minority preventing the VPP participation desired by the majority.

OSHA's experience with the alternate union support requirement it has been testing in the 2006 Mobile Workforce Demonstration for Construction has been positive. There has been no problem implementing the new requirement. For some Demonstration participants, union support for participation within the participant's DGA has been obtained from the local building trades council. For other participants, union support has been obtained at the worksite level. OSHA has received no objections to this policy from affected unions or any other parties and now is applying it to the mobile workforce way to participate. The existing union support requirement will continue for site-based applicants/participants.

5. Extending Mobile Workforce Participation to All Industries

Over the years OSHA has been approached by various general industry employers who do not perform all of their work tasks at an individual fixed location. These include, but are not limited to, utilities, couriers, and maintenance contractors. The experiences of these employers have demonstrated to OSHA that it is possible for a general industry employer to maintain a VPP-quality safety and health management system for employees who complete some of their work tasks away from a fixed worksite. The positive experience of these participants, coupled with the experience of the 2006 Mobile Workforce Demonstration for Construction, demonstrates that both construction and general industry employers can successfully implement a safety and health management system that encompasses mobile employees. Therefore, the new VPP option of mobile workforce participation will be available to any eligible employer whose workers move from one work location to another and who meets VPP's rigorous requirements.

B. Corporate Participation

The continuing growth of VPP is a sign that businesses throughout the U.S. are recognizing the value of implementing effective safety and health management systems. As more companies come into VPP, ever greater numbers of participating employers and employees benefit from reduced injuries and illnesses and fewer workplace fatalities. VPP's success, however, means that more and more applications must be reviewed and onsite evaluations conducted. This has challenged OSHA resources and encouraged the Agency to seek ways to administer the program more efficiently.

Large employers who have committed to bringing multiple facilities into VPP have also experienced resource challenges as they prepare multiple individual applications that contain repetitive information and then undergo multiple onsite evaluations. Seeking new ways to ease the resource burden on these employers and also on OSHA, the Agency established the VPP Corporate Pilot in 2004.

Prior to 2004, several VPP stakeholders had independently discussed the burden of gathering and providing safety and health management system information that was universal to all of their sites and needed to be provided to OSHA each time a site applied for VPP. OSHA also recognized this burden—the Agency repeatedly had to review similar or identical systems documentation when it reviewed applications from multiple facilities of a single large organization.

The 2004 VPP Corporate Pilot provided a means to eliminate the paperwork redundancies for both multi-facility applicants and OSHA reviewers. Carefully selected participants underwent in-depth reviews of their organization-wide safety and health management systems. An important element of the review was verification of the participant's active management commitment, not just to safety and health excellence, but specifically to VPP. Pilot applicants also were required to provide evidence of pre-screening and oversight of all facilities within their organization, to ensure that the safety and health management system was being implemented effectively.

Following the corporate-level evaluation of a pilot participant's safety and health management system, OSHA sent VPP teams to each applicant facility. The teams were able to focus on how managers and employees implemented the safety and health system. These site reviews, which typically were shorter in duration than normal VPP onsite evaluations, consisted of employee and management interviews, a site walkthrough, and a review of site-specific performance and systems documentation.

OSHA learned that by eliminating the repetitious review of safety and health management system documentation and focusing on system implementation, it could reduce the Agency resource expenditure for application and onsite review by 40 percent without affecting the quality of that review. Similarly, pilot participants reported resource savings of up to 50 percent in application preparation and time devoted to OSHA's onsite visits.

The pre-screening required of pilot participants involved corporate-level safety and health personnel performing audit activities at each applicant facility to ensure that the facilities were ready for VPP. Corporate personnel also reviewed their facilities' VPP applications for completeness and accuracy. These efforts produced impressive results: 94 percent of the 162 facilities undergoing onsite evaluations in the Corporate Pilot achieved Star approval, well above the 80 percent benchmark established for the pilot.

The pilot produced other, non-quantifiable results. Participants reported an increased consistency in implementation of their safety and health management system throughout their organization. OSHA also believes it has achieved a greater level of consistency across Regions in the procedures it uses to evaluate VPP applicants.

OSHA is also incorporating the concept of a Designated Geographic Area (DGA) into the corporate way to participate. Both the VPP Corporate Pilot and the Mobile Workforce Demonstration for Construction have relied on a two-step evaluation process in which the first step is an organizational safety and health management system review. This review is designed to determine if the applicant has a VPP-quality safety and health management system in place and the management commitment required to effectively implement the system at the worksite level. OSHA demonstrated that such a review is effective, whether the applicant's facilities are coming into VPP individually (site-based applicants) or as part of a DGA (mobile workforce applicants).

Incorporating the DGA concept into the corporate way to participate provides employers with additional flexibility with regard to the implementation and evaluation of their safety and health management system. OSHA recognizes that there are significant differences among the large employers willing to make the necessary commitment for corporate participation. These organizations may find it appropriate to seek participation at the individual site level, at multiple sites within a DGA, or both. Upon completing the corporate safety and health management system review, a participant can then choose either or both of the two participation options tested. That is, a participant can submit a streamlined application and undergo a streamlined onsite evaluation for an individual location, or a participant can seek participation by having OSHA visit a sampling of worksites within a DGA. In either case, the applicant site/DGA will be subject to the policies and requirements outlined in VI.B (site-based) or VI.C (mobile).

The successful experience of OSHA's VPP Corporate Pilot leads the Agency now to establish the new category of corporate participation. This corporate option is available for multiple-facility employers who have made a significant, organization-wide commitment to VPP and who have fixed locations, mobile workforces, or both.

C. Reorganizing the VPP Criteria

VPP policy and participant requirements historically focused on the three programs, Star, Merit, and Demonstration. For each of these programs there was only one way to participate, individual site-based participation. All safety and health management system requirements and injury and illness performance requirements were embedded within the Star Program. Merit and Demonstration Program provisions specified how system and performance requirements differed from Star.

The backbone of VPP remains its safety and health management system, and OSHA desires to emphasize this system's applicability and feasibility for all types of industries, workplaces, and program participants. Therefore, OSHA has created a specific section devoted to the VPP safety and health management system. Other than minor variations to accommodate the different ways to participate, the VPP safety and health management system elements and sub-elements remain consistent with past notices.

The addition of new ways to participate has prompted OSHA to restructure VPP to clarify participation options and procedures. Each way to participate is spelled out individually, with its unique features, requirements, and evaluation processes. This has resulted in what may appear to be unnecessary repetition within the Ways to Participate Sections VI.B., C., and D. However, OSHA believes that this format actually facilitates clarity. An interested employer can go to one place within the notice to review relevant information and requirements. OSHA hopes that its reorganization of VPP criteria, now Sections III through VIII, will help employers and employees identify the most appropriate way to participate and all related requirements of the selected participation option.

D. Demonstration Program Modification

OSHA no longer will require that all Demonstration Program participants maintain Star-level safety and health management systems and injury and illness performance levels. Participants will be required to adhere to the provisions of their particular demonstration. In no circumstance will a demonstration allow approval below the minimum Merit level requirements.

The basic intent of the Demonstration Program always has been to enable OSHA to test alternate requirements and procedures. The requirement for Star-level performance unnecessarily limits the flexibility OSHA needs. OSHA believes its frequent onsite visits to Demonstration participant sites and continuing review of participant self-evaluations, coupled with the new minimum performance requirements, provide sufficient oversight and needed flexibility. Any Demonstration participants initially approved at the Merit level will be subject to VPP requirement for continuous improvement and the Merit requirement to achieve Star-level systems and performance.

E. Star Rate Reduction Plan and 1-Year Conditional Status

Over the years, OSHA has had difficulty implementing in a fair and consistent manner the program's provisions that apply when a Star participant's rates climb above required levels. Under current procedures, if a participant's 3-year injury and illness rates slip during the period between regularly scheduled OSHA reapproval visits, OSHA must place the participant on a 2-year rate reduction plan. If rates slip in a year when an OSHA team visits, OSHA must place the participant on 1-year conditional status, and may also require a 2-year rate reduction plan.

A problem arises when a participant fits the latter scenario but has no identifiable safety and health management system deficiency. Conditional status is inappropriate and, in fact, cannot be lifted within the required 1-year timeframe because the participant may need the allowed 2 years to return to Star-level rates.

Therefore, the change in these provisions is to correct an unintended consequence of current rules. OSHA now may require a 2-year rate reduction plan whenever a Star participant's rates exceed required minimum levels. OSHA now may impose 1-year conditional status when an OSHA onsite team identifies a deficiency in a Star participant's safety and health management system.

F. Federal Agency Construction Activities

When OSHA opened VPP participation to Federal agencies, the Agency did not anticipate that some applicant facilities might be engaged primarily in construction activities. This revision makes clear that all applicants primarily engaged in construction activities must follow OSHA's construction regulations and VPP's additional construction requirements. This includes the requirement to include in a participant's injury and illness rates the experience of all employees, including contractors.

G. Expectation of Continuous Improvement

The principle of continuous improvement is integral to the VPP experience. Participants' required annual self-evaluations are intended to measure success, identify "what improvements can be made to make [the safety and health management system] even more effective" (Appendix C, VPP Policies and Procedures Manual, OSHA Directive CSP 03–01–003), and determine goal modifications and needed and desirable changes. OSHA evaluation teams, during their periodic visits, verify this improvement and offer suggestions that will help participants create ever more effective employee protections.

Whenever OSHA officials describe VPP to interested parties, they stress that participants are expected to continuously improve. This principle, which is explicit in the VPP Policies and Procedures Manual, is now made explicit in this **Federal Register** notice in III.E. Additional Expectations.

H. Expectation of Outreach and Mentoring Activity

VPP has a long history of participants voluntarily reaching out to help other businesses, their industries and communities, and OSHA. Through mentoring, technical assistance, participation in training, presentations at conferences and other events, community service, and involvement in the VPP Special Government Employee Program, VPP participants have helped OSHA spread the message of effective safety and health management.

OSHA recognizes VPP participants as the best safety and health performers in the nation, the role models for others wishing to improve safety and health for their employees. It is through outreach and mentoring that VPP participants fulfill their responsibilities as role models and cooperative partners with OSHA.

The Gallup Organization, in its 2005 study commissioned by the Department of Labor, "Evaluation of the Voluntary Protection Program," included measuring the overall impact of VPP participants' outreach and mentoring programs. The study found impressive benefits and accomplishments in this area. For example, Gallup conservatively estimated that VPP participants in 2004 had 2,365 people performing mentoring activities that touched more than 529,000 employees beyond VPP facilities. Gallup reported that, at the request of organizations other than OSHA, VPP participants conducted outreach activities at a cost of 30,000 hours in 2004. Responding to OSHA requests, participants conducted an additional 41,400 hours of activity that year.

Because of the need for such activity and participants' well-established track record, OSHA now believes that outreach and mentoring should be stated principles of VPP. Therefore, they are made explicit in this **Federal Register** notice in III.E. Additional Expectations.

III. The Voluntary Protection Programs

A. Purpose of the Voluntary Protection Programs

OSHA has long recognized that a multifaceted approach is the best way to accomplish all the goals of the OSH Act. Employer compliance with occupational safety and health standards, OSHA regulations, 29 CFR part 1960 for Federal agencies, and the general duty clause—all the requirements of the OSH Act—is essential. Regulations and enforcement alone, however, cannot replace the understanding of work processes, materials, and hazards that comes with employers' and employees' daily on-the-job experience and commitment to workplace safety and health. This knowledge, combined with an ability to evaluate and address hazards rapidly, enables employers and employees to take responsibility for their own safety and health in ways not available to OSHA.

OSHA's substantial experience with safety and health management systems has shown the value of a comprehensive, systematic approach to worker protection. The principles of safety and health management can effectively prevent hazards and protect workers, whether implemented for fixed worksites or mobile workforces. It is OSHA's policy, therefore, to promote safety and health management systems tailored to the needs of particular worksites and situations.

The purpose of the Voluntary Protection Programs (VPP) is to emphasize the importance of, encourage the improvement of, and recognize excellence in comprehensive employer-provided, employee-participative occupational safety and health management systems in meeting the goal of the OSH Act "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources * * *." This emphasis is demonstrated through assistance to employers in their efforts to reach the VPP level of systems and performance excellence; through cooperation among government, labor, and management to resolve safety and health problems; and through official recognition of employers and employees who together have developed and implemented excellent safety and health management systems. These systems provide the structures and strategies for preventing or controlling occupational hazards.

VPP participants are expected to effectively protect workers from the hazards of the workplace. They do this by meeting VPP's rigorous, time-testedcriteria for approval, continued participation, and continuous improvement. Employers who develop and implement VPP-quality systems not only are working to remain compliant with OSHA's rules, but also are striving to excel. They use flexible and creative strategies that go beyond OSHA's basic workplace requirements in a quest to provide the best feasible protection for their workers.

VPP participants serve as models for effective employee protection in their industries. Impressive reductions in injuries and illnesses—participants' rates are well below industry averages—are the most obvious evidence of VPP's success. Other performance measures, plus anecdotal evidence and participant testimonials, reveal significant cost savings, including workers' compensation cost reductions; reduced employee turnover; improvements in the quality of participants' products and services; and other benefits. Participants speak often of the "cultural transformation" that can occur during the process of preparing for application to VPP. These experiences are helping to convince skeptics that productivity, quality, profitability, and safety and health are complementary goals.

VPP participants enter into a new relationship with OSHA. In this innovative public/private partnership, cooperation and trust nourish improvements in safety and health, not just at VPP sites, but also beyond the worksite boundaries. VPP companies are afforded the opportunity to provide the Agency with input on safety and health matters. At the same time, the recognition and status gained by their participation in VPP, and their commitment to improving their industries and communities, enable them to accomplish a broad range of safety and health objectives. VPP participants mentor other worksites interested in improving their safety and health management systems; conduct safety and health training and outreach seminars; and hold safety and health conferences that focus on leading-edge safety and health issues. VPP participants also participate with OSHA on VPP onsite reviews through the innovative VPP Special Government Employee (SGE) Program. The SGE Program offers private and public sector safety and health professionals and other qualified participants the opportunity to exchange ideas, gain new perspectives, and grow professionally while serving as full-fledged team members on OSHA's VPP onsite evaluations.

One way OSHA recognizes VPP participants' safety and health excellence is by removing them from programmed inspection lists for the duration of their participation, unless they choose to remain on the lists. This helps OSHA to focus its enforcement inspections on establishments that are less likely to meet the requirements of the OSH Act. However, OSHA continues to investigate valid employee safety and health complaints, fatalities and catastrophes, and other significant events at VPP sites according to established Agency procedures.

Participation in any of the programs does not diminish existing employer and employee responsibilities and rights under the OSH Act and, for Federal agencies, under 29 CFR part 1960. In particular, OSHA does not intend to increase the liability of any party at an approved VPP site. Employees or any representatives of employees taking part in an OSHA-approved VPP safety and health program do not assume the employer's statutory or common law responsibilities for providing safe and healthful workplaces; nor are employees or their representatives expected to guarantee a safe and healthful work environment.

The programs included in the VPP are voluntary in the sense that no employer is required to participate. Compliance with OSHA's requirements and applicable laws remains mandatory. Initial achievement and then continuing maintenance of the VPP requirements are conditions of participation.

The Assistant Secretary for Occupational Safety and Health determines approval for initial participation in the VPP, advancement to the Star Program, all participation in Demonstration Programs, and termination from the VPP. The OSHA Regional Administrator who has jurisdiction over a participant determines approval for continuation in the Star (including 1-year Conditional Star participation) and Merit Programs.

B. Purpose of This Notice

This notice describes the Voluntary Protection Programs, VPP's constituent programs, the VPP Safety and Health Management System; how to apply; ways to participate and criteria for approval; participation decisions; and post-approval interactions.

C. Programs Within VPP

VPP consists of three programs: Star, Merit, and Demonstration.

- The Star Program recognizes employers and employees who demonstrate exemplary achievement in the prevention and control of occupational hazards through the development, implementation, and continuous improvement of their safety and health management systems.
- The Merit Program recognizes employers and employees who have developed and implemented good safety and health management systems but who must take additional steps to reach Star quality.
- The Demonstration Program recognizes employers and employees who operate effective safety and health management systems that differ from current VPP requirements. This program enables OSHA to test the efficacy of different approaches.

1. The Star Program

a. Purpose

The Star Program recognizes leaders in occupational safety and health who are successfully protecting workers from death, injury, and illness by implementing comprehensive and effective safety and health management systems. Star participants willingly share their experience and expertise, and they encourage others to work toward comparable success.

b. Experience Operating the Safety and Health Management System

All elements of a successful safety and health management system, as delineated in Section IV. below, must be operating for a period of not less than 12 months before Star approval.

c. Injury and Illness Performance Requirements

In order to qualify for the Star Program, applicants/participants must meet and maintain certain injury and illness rate requirements. For further specifics on these requirements, see the Injury and Illness Performance sections at VI.B., C., and D.

2. The Merit Program

a. Purpose

The Merit Program recognizes employers and employees in any industry who have implemented a safety and health management system that in one or more elements does not yet meet the level of development or performance required for the Star Program. If OSHA determines that an applicant has demonstrated the commitment and possesses the resources to achieve Star requirements within 3 years, then OSHA may approve Merit Program participation. As a condition of Merit participation, the applicant agrees to specified goals that, when achieved, will raise performance to the Star level.

b. Experience Operating the Safety and Health Management System

To qualify for the Merit Program, an eligible applicant must have a written safety and health management system.

(1) The basic elements (management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training) must all be operational or, at a minimum, in place and ready for implementation by the date of approval.

(2) The eligible applicant may not have met each of the specific Star-level requirements comprising each basic element. Participation in Merit is an opportunity for employers and their employees to work with OSHA to more fully develop their safety and health management system and improve its performance. The participant's safety and health management system must be at Star quality within 3 years. For Star quality system requirements, see IV. below.

c. Goals

In consultation with the applicant, OSHA will set goals intended to bring the safety and health management system and its performance up to Star level.

3. Demonstration Programs

a. Purpose

(1) Demonstration Programs provide the opportunity for organizations and/or worksites to demonstrate the effectiveness of alternative methods of achieving safety and health management system excellence that could modify current VPP requirements. OSHA may approve a Demonstration Program for such purposes as:

(a) Exploring the application of VPP in industries where OSHA lacks substantial experience;

(b) Testing alternative application and approval protocols that may expand VPP eligibility or serve other program objectives;

(c) Demonstrating the feasibility of joint Federal agency oversight of VPP applicants/participants, including joint evaluations, in the area of workplace safety and health.

(2) A Demonstration Program also may be used to test the potential for a new program within VPP or another cooperative initiative.

b. Program Development and Approval

(1). OSHA will develop the basic parameters of a Demonstration Program at the National Office or Regional level and will include a clear outline of specific requirements.

(2) The decision to implement a Demonstration Program must be approved by the Assistant Secretary before any applicants are considered for participation.

c. Requirements for Demonstration Programs

(1) Safety and Health Management System Requirements. Demonstration Program applicants must have a safety and health management system that, at a minimum, addresses the basic VPP elements (management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training), plus 29 CFR part 1960 requirements for Federal agencies and 29 CFR 1926.20 requirements for construction applicants. How the applicant implements these elements may be the subject of demonstration.

(2) Applicants must demonstrate to the Assistant Secretary's satisfaction that the alternative approach shows reasonable promise of being successful and of leading to changes in VPP requirements.

(3) Injury/Illness Performance Requirements. A Demonstration Program's injury/illness rate requirements will depend on the specific provisions of the Demonstration.

d. Preapproval Onsite Evaluation

(1) Purpose. The preapproval onsite review, which OSHA conducts in a non-enforcement capacity, is a review of the applicant's safety and health management system and the effectiveness of the alternate criteria being demonstrated. It is conducted to:

(a) Verify the information supplied in the application concerning qualification for VPP;

(b) Identify the strengths and weaknesses of the applicant's safety and health management system and evaluate its adequacy to address hazards and to ensure compliance with all OSHA requirements;

(c) Determine how effectively the applicant has implemented its safety and health management system;

(d) Identify any deficiencies in the applicant's safety and health management system that must be satisfactorily addressed before OSHA will approve the applicant; and

(e) Obtain information to assist the Assistant Secretary in making the VPP approval decision.

(2) Duration and Scope. The duration and scope of the preapproval onsite evaluation will depend on the specific provisions of the demonstration. OSHA expects that the onsite evaluation normally will include document review, walkthrough, and management and employee interviews. For more information on what OSHA looks for during onsite evaluations, see the Preapproval Onsite Review sections at VI.B., C., and D.

e. Term of Participation

Applicants may be approved to a Demonstration Program for the period of time specified in the particular program. The term normally will not exceed 5 years.

f. Periodic Reevaluation

(1) Purpose. Onsite reevaluation of Demonstration Program participants is intended to:

(a) Determine continued qualification for the Demonstration Program;

(b) Document results of Demonstration Program participation in terms of the evaluation criteria and other noteworthy aspects of the participant's safety and health management system;

(c) Ensure that the demonstration aspects of the program continue to be effective and protect employees; and

(d) Identify any problems that have the potential to adversely affect continued Demonstration Program qualification and determine appropriate follow-up actions.

(2) Frequency. OSHA will reevaluate Demonstration Program participants every 12 to 18 months.

(3) Duration and Scope. See III.C.3.d.(2) above.

g. Approval and Transition of Demonstration Program Participants to Another VPP Program

(1) Approval to another VPP program is contingent upon:

(a) Successful demonstration of the alternatives tested within the Demonstration Program;

(b) A decision by the Assistant Secretary that changing VPP requirements to allow inclusion of these alternative provisions is desirable and will result in a continuing high level of worker protection. Once the Assistant Secretary decides to change VPP requirements, the changes will be effective on the date announced to the public.

(c) OSHA's satisfaction that the participant meets all requirements of the VPP program to which it is transitioning.

(2) When the VPP changes become effective, a Demonstration participant may be approved to another program within VPP without submitting a new

application or undergoing further onsite review, provided that the approval occurs no later than 18 months following the last OSHA onsite evaluation under the Demonstration Program. If more than 18 months have elapsed, OSHA must conduct an onsite evaluation prior to recommending the participant's approval to another program.

h. Demonstration Termination

(1) OSHA will terminate a Demonstration Program for the following reasons:
(a) The Demonstration is likely to endanger participating workers;
(b) It is unlikely that the Demonstration will result in participants' approval to another VPP program, creation of a new program, or other VPP changes; or
(c) The Demonstration period has expired.
(2) When a Demonstration Program ends, any participants not approved to another program within VPP will be terminated.

D. Guiding Principles

The following essential principles underlie all VPP participation. An applicant/participant's failure to adhere to these principles is grounds for disapproval or termination.

1. Safety and Health Management System Excellence

VPP applicants and participants must demonstrate, in the development and ongoing implementation of their safety and health management systems, a level of excellence commensurate with the rigorous standards and performance requirements embodied within VPP. VPP-quality safety and health management systems effectively identify, analyze, and prevent/control hazards, thereby ensuring the protection of employees and the prevention of workplace injuries and illnesses.

2. Cooperative Relationship

Based on the intent and history of VPP, OSHA expects participants to work cooperatively and proactively with the Agency, both in the resolution of safety and health problems and in the promotion of effective safety and health management systems. This cooperation is founded in an essential trust among labor, management, and OSHA. Applicants often report that the experience of developing and implementing a VPP-quality safety and health management system, with its emphasis on active management leadership and meaningful employee involvement, is a powerful catalyst for strengthening cooperation and trust. OSHA facilitates cooperation by designating a contact person, usually the Regional VPP Manager, who coordinates each approved participant's contact with the Agency.

3. Employee Support for VPP Participation

a. Any application received by OSHA must reflect the support of applicant's employees.
b. When an applicant's employees are unionized,
(1) The applicant may be required to provide evidence of support from applicable collective bargaining representatives. For specific requirements concerning union support for VPP participation, see the Eligibility sections at VI.B., C., and D.
(2) Unions retain the right to withdraw support at any time. In such event, OSHA will reevaluate the participant's continuing qualification. If a union's withdrawal of support results in a participant no longer meeting the VPP eligibility requirements of VI.B., C., or D., OSHA will ask the participant to withdraw or will terminate the participant from VPP.

4. Compliance with the OSH Act

All VPP applicants and participants will comply with the OSH Act, OSHA requirements, and in the case of Federal agencies, 29 CFR part 1960. Any deficiencies related to compliance that are uncovered through OSHA onsite reviews, self-inspections, employee reports, accident investigations, process hazard reviews, annual self-evaluations, or any other means must be corrected promptly. OSHA expects applicants/participants to provide effective interim protection as necessary to keep employees safe while corrections are being made.

5. OSHA History

If an applicant has been inspected by OSHA within the 36-month period preceding application, the inspection, abatement, and/or any other history of interaction with OSHA must indicate good faith attempts to improve safety and health. Which aspects of an applicant's history OSHA will examine depends on how the applicant proposes to participate, that is, site-based, mobile workforce, or corporate participation. For further specifics, see the Eligibility sections at VI.B., C., and D.

6. Assurances

Applications to VPP must be accompanied by certain assurances describing what the applicant agrees to do if OSHA approves the application. Some of these assurances apply across the entire VPP. Others differ slightly, depending on how the applicant proposes to participate, that is, site-based, mobile workforce, or corporate participation. See the Assurances sections at VI.B., C., and D.

E. Additional Expectations

The following provisions reflect longstanding aspects of VPP participation that further define OSHA's expectations for VPP participants:

1. Continuous Improvement

VPP participants must demonstrate continuous improvement in the operation and impact of their safety and health management systems. Annual VPP self-evaluations help participants measure success, identify areas needing improvement, determine needed changes, and track the implementation of these changes. OSHA onsite evaluation teams verify this improvement.

2. Outreach

OSHA expects its VPP participants to serve as models of safety and health excellence in their industries and their communities. This can be accomplished in a variety of ways, including
a. Mentoring other worksites interested in improving safety and health;
b. Participating and giving presentations at safety and health conferences; training initiatives; meetings of labor, industry and government groups; and other outreach opportunities;
c. Serving as Special Government Employees on VPP onsite evaluation teams; and
d. Sharing best practices and success stories.

F. Recognition

When OSHA approves an applicant for participation in the VPP, the Agency recognizes that the applicant is providing, at a minimum, the basic elements of ongoing, systematic protection of workers in accordance with rigorous VPP criteria. This protection makes general schedule inspections unnecessary. Therefore, the employer's approved site(s) are removed from OSHA's programmed inspection lists (unless the participant chooses not to be removed). OSHA also publicizes VPP participants' successes in a variety of ways, including stories on the Agency's Web site, *http://www.osha.gov*; press releases and other Agency media; and recognition during Agency officials' speeches and presentations.

The VPP symbols of recognition are plaques of approval and program flags. The participant also may choose to use the VPP logo on such items as letterhead, shirts, and mugs.

IV. The VPP Safety and Health Management System

4 elements

This section sets forth the elements and sub-elements of the comprehensive workplace safety and health management system required of VPP participants.

A. Management Leadership and Employee Involvement

Each applicant must be able to demonstrate top-level management leadership in its safety and health management system. Management systems for comprehensive planning must address protection of worker safety and health. Employees must be meaningfully involved in the safety and health management system.

1. Commitment to Safety and Health Protection

Authority and responsibility for employee safety and health must be integrated with the overall management system of the organization and must involve employees. This commitment includes:

a. Policy. Clearly established policies for worker safety and health protection that have been communicated to and understood by employees; and

b. Goal and Objectives. Established and communicated goals for the safety and health management system and results-oriented objectives for meeting the goals, so that all members of the organization understand the results desired and the measures planned for achieving them, especially those factors that directly apply to them.

2. Commitment to VPP Participation

Management must clearly demonstrate commitment to meeting and maintaining the requirements of the VPP.

3. Planning

Planning for safety and health must be a part of the overall management planning process. In construction, this includes pre-job planning and preparation for different phases of construction as the project progresses.

4. Written Safety and Health Program

All critical elements of a basic safety and health management system must be part of the written program. These critical elements are management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training. Federal agencies' written programs must also meet the requirements of 29 CFR part 1960, and construction companies' written programs must also meet the requirements of 29 CFR 1926.20. All aspects of the safety and health management system must be appropriate to the size of the worksite(s) and the type of industry. For small businesses, OSHA may waive some formal requirements, such as certain written procedures or documentation, where the effectiveness of the systems has been evaluated and verified. OSHA will decide waivers on a case-by-case basis.

5. Management Leadership

Managers must provide visible leadership in implementing the safety and health management system. This must include:

a. Establishing clear lines of communication with employees;

b. Setting an example of safe and healthful behavior;

c. Creating an environment that allows for reasonable employee access to top site management;

d. Ensuring that all workers at the site, including contract workers, are provided equally high quality safety and health protection;

e. Clearly defining responsibility in writing, with no unassigned areas. Each employee, at any level, must be able to describe his/her responsibility for safety and health;

f. Assigning commensurate authority to those who have responsibility;

g. Affording adequate resources to those who have responsibility and authority. This includes such resources as time, training, personnel, equipment, budget, and access to information and experts, including appropriate use of certified safety professionals (CSP), certified industrial hygienists (CIH), other licensed health care professionals, and other experts as needed, based on the risks at the site; and

h. Holding managers, supervisors, and non-supervisory employees accountable for meeting their safety and health responsibilities. In addition to clearly defining and implementing authority and responsibility for safety and health protection, management leadership entails evaluating managers and supervisors annually, and operating a documented system for correcting deficient performance.

6. Employee Involvement

The site culture must enable and encourage effective employee involvement in the planning and operation of the safety and health management system and in decisions that affect employees' safety and health. The requirement for employee participation may be met in a variety of ways, as long as employees have at least three active and meaningful ways to participate in safety and health problem identification and resolution. This involvement must be in addition to the individual right to notify appropriate managers of hazardous conditions and practices and to have issues addressed. Examples of acceptable employee involvement include but are not limited to the following:

a. Participating in ad hoc safety and health problem-solving groups;

b. Participating in audits and/or worksite inspections;

c. Participating in accident and incident investigations;

d. Developing and/or participating in employee improvement suggestion programs;

e. Training other employees in safety and health;

f. Analyzing job/process hazards;

g. Acting as safety observers; and

h. Serving on safety and health committees constituted in conformance to the National Labor Relations Act.

7. Contract Worker Coverage

All contractors and subcontractors, whether at general industry, construction, maritime, or Federal agency VPP sites, must follow worksite safety and health rules and procedures applicable to their activities while at the site.

a. In addition to ensuring that contractors follow site safety and health rules, VPP participants are expected to encourage their contractors to develop and operate effective safety and health management systems.

b. To this end, participants must have in place a documented oversight and management system for contractors that ensures the contractors' employees are provided effective protection and that drives improvement in contractor safety and health. Such a system should ensure that safety and health considerations are addressed during the contractor selection process and when contractors are onsite.

8. Self-Evaluation of the Safety and Health Management System

The applicant must have a system for annually evaluating the organization's safety and health efforts. This system will judge success in meeting goals and objectives, and will assist those responsible to determine and implement changes for continually improving worker safety and health protection.

a. The system must provide for an annual written narrative report with recommendations for timely improvements, assignment of responsibility for those improvements, and documentation of timely follow-up action or the reason no action was taken.

b. The evaluation must assess the effectiveness of all elements described in Section IV and any other elements of the applicant's safety and health management system.

c. The evaluation may be conducted by competent site, corporate, or other persons who are trained and/or experienced in performing such evaluations. The evaluation should follow the format established by OSHA.

B. Worksite Analysis

The successful management of workplace hazards begins with a thorough understanding of all hazardous situations to which employees may be exposed and the ability to recognize and correct all hazards as they arise. This requires:

1. Procedures to ensure analysis of all newly acquired or altered facilities, processes, materials, equipment, and/or phases before use begins, to identify hazards and the means for their prevention or control.

2. Comprehensive safety and health surveys, at intervals appropriate for the nature of workplace operations, which include:

a. Identification of safety hazards accomplished by an initial comprehensive baseline survey and then subsequent surveys as needed;

b. Identification of health hazards and employee exposure levels accomplished through an industrial hygiene sampling rationale and strategy. Sampling rationale should be based on data including reviews of work processes, material safety data sheets, employee complaints, exposure incidents, medical records, and previous monitoring results. The sampling strategy should include baseline and subsequent surveys that assess employees' exposure through screening and full-shift sampling when necessary; and

c. The use of nationally recognized procedures for all sampling, testing, and analysis with written records of results.

3. Routine examination and analysis of safety and health hazards associated with individual jobs, processes, or phases and inclusion of the results in training and hazard control programs. This may include job hazard analysis and/or process hazard review. In construction, the emphasis must be on special safety and health hazards of each craft and each phase of work.

4. A system for conducting, as appropriate, routine self-inspections that follows written procedures or guidance and that results in written reports of findings and tracking of hazard elimination or control to completion.

a. For general industry and maritime applicants/participants under the site-based way to participate, these inspections must occur no less frequently than monthly and must cover the entire worksite at least quarterly;

b. For construction sites opting for the site-based way to participate and for all applicants/participants under the mobile workforce way to participate, these inspections must cover the entire worksite at least weekly and must involve trained employees.

5. A reliable system for employees, without fear of reprisal, to notify appropriate management personnel in writing about conditions that appear hazardous and to receive timely and appropriate responses. The system must include tracking of responses and tracking of hazard elimination or control to completion.

6. An accident/incident investigation system that includes written procedures or guidance, with written reports of findings and hazard elimination or control tracking to completion. Investigations are expected to seek out root causes of the accident or event and to cover "near miss" incidents.

7. A system to analyze trends through a review of injury/illness experience and hazards identified through inspections, employee reports, accident investigations, OSHA logs, and/or other means, so that patterns with common causes can be identified and the causes eliminated or controlled.

C. Hazard Prevention and Control

Site hazards identified during the hazard analysis process must be eliminated or controlled by developing and implementing the systems discussed at IV.C.2. below and by using the hierarchy provided at IV.C.3. below.

1. The hazard controls a site chooses to use must be:

a. Understood and followed by all affected parties;

b. Appropriate to the hazards of the site;

c. Equitably enforced through a clearly communicated, written disciplinary system that includes procedures for disciplinary action or reorientation of managers, supervisors, and non-supervisory employees who break or disregard safety rules, safe work practices, proper materials handling, or emergency procedures;

d. Written, implemented, and updated by management as needed, and must be used by employees; and

e. Incorporated in training, positive reinforcement, and correction programs.

2. The required systems of hazard prevention and control are:

a. A system for initiating and tracking hazard elimination or control in a timely manner;

b. A written system for, and ongoing documentation of, the monitoring and maintenance of workplace equipment such as preventive and predictive maintenance, to prevent equipment from becoming hazardous;

c. An occupational health care program that uses licensed health care professionals to assess employee health status for prevention, early recognition, and treatment of illness and injury; and that provides, at a minimum, access to certified first aid and cardiopulmonary resuscitation (CPR) providers, physician care, and emergency medical care for all shifts within a reasonable time and distance. Occupational health care professionals should be used as appropriate to accomplish these functions; and

d. Procedures for response to emergencies on all shifts. These procedures must be written and communicated to all employees; must list requirements for personal protective equipment, first aid, medical care, and emergency egress; and must include provisions for emergency telephone numbers, exit routes, and training drills including, at a minimum, annual evacuation drills.

3. The following hierarchy should govern actions to eliminate or control hazards, with a. being the most desirable:

a. Engineering controls are the most reliable and effective type of controls. These are design changes that directly eliminate (ideally) or limit the severity and/or likelihood of the hazard, for example, reduction in pressure/amount of hazardous material, substitution of less hazardous material, reduction of noise produced, fail-safe design, leak before burst, fault tolerance/redundancy, ergonomics, etc. This category also includes protective safety devices such as guards, barriers, interlocks, grounding and bonding systems, pressure relief valves to keep pressure within a safe limit, etc. These latter types of controls, although not as reliable as true engineering controls, typically seek to reduce indirectly the likelihood of the hazard. These controls are often linked with caution and warning devices like detectors and alarms that are either automatic (do not require a human response) or manual (require a human response);

b. Administrative controls that significantly limit daily exposure to hazards by control or manipulation of the work schedule or manner in which work is performed, e.g., job rotation;

c. Work Practice controls, a type of administrative control that includes workplace rules, safe and healthful work practices, and procedures for specific operations. Work Practice controls modify the manner in which an employee performs assigned work. This modification may result in a reduction of exposure through such methods as changing work habits, improving sanitation and hygiene practices, or making other changes in the way the employee performs the job.

d. Personal protective equipment (PPE).

D. Safety and Health Training

Training is necessary to reinforce and complement management's commitment to prevent exposure to hazards. All employees must understand the hazards to which they may be exposed and how to prevent harm to themselves and others from such hazard exposure. Effective training enables employees to accept and follow established safety and health procedures. Training for safety and health must ensure that:

1. Managers and supervisors understand their safety and health responsibilities (see IV.A.) and are able to carry them out effectively;

2. Managers, supervisors, and non-supervisory employees (including contract employees) are made aware of hazards, and are taught how to recognize hazardous conditions and the signs and symptoms of workplace-related illnesses;

3. Managers, supervisors, and non-supervisory employees (including contractor employees) learn the safe work procedures to follow in order to protect themselves from hazards, through training provided at the same time they are taught to do a job and through reinforcement;

4. Managers, supervisors, non-supervisory employees (including contractor employees), and visitors on the site understand what to do in emergency situations; and

5. Where personal protective equipment is required, employees understand that it is required, why it is required, its limitations, how to use it, and how to maintain it; and employees use it properly.

V. Application for VPP

A. General

VPP accepts applications from private sector general industry, maritime, and construction employers subject to the Occupational Safety and Health Act, and from Federal agencies subject to 29 CFR part 1960. The VPP applicant must provide OSHA with information that illustrates an effective safety and health management system.

There is no VPP application form. OSHA prepares, keeps current, and makes available to all interested parties application guidelines that explain the information to be submitted for OSHA review.

There is no single correct way to meet VPP requirements. OSHA expects to see a system that works for the applicant's specific work activities and hazards. OSHA encourages applicants to use as much existing material as possible; there is no need to create a large quantity of new documents.

B. Content

1. Eligible applicants must provide all information described in the most current version of the relevant application instructions.

2. OSHA will request amendments to submitted applications when the application information is insufficient to determine eligibility for onsite review.

3. Materials needed to document the safety and health management system that may involve trade secrets or employee privacy interests must not be included in the application. Instead, such materials must be described in the application and provided only for viewing at the site during an application assistance visit and/or during the preapproval onsite review.

C. Submission

The application and copies must be submitted to the appropriate OSHA Offices, as specified in the application instructions. OSHA normally will require applications be submitted electronically (on a CD or by e-mail), but this requirement may be waived depending on circumstances particular to the program, the applicant, or the OSHA Office.

D. Acceptance of Application

1. OSHA conducts an initial review of each application to determine whether it meets VPP criteria that can be substantiated by the applicant's written safety and health management system and supporting documentation. The applicant will be given the opportunity to improve its application by submitting amended or additional materials.

2. If the application is incomplete, and if after notification the applicant has not responded within 90 days to OSHA's request for more information, the Agency will consider the application unacceptable and will return it to the applicant. The applicant may reapply when its application is complete.

E. Withdrawal of Application

1. Any applicant may withdraw a submitted application at any time. When the applicant notifies OSHA of its desire to withdraw, OSHA will delete any electronic application materials it holds, and will return to the applicant any materials held in hard-copy format.

2. Once an application has been withdrawn, a new submission of an application is required to be considered for VPP approval.

F. Public Access

The following documents will be maintained by OSHA for public access beginning on the day the applicant attains VPP approval and continuing for so long as the approved participant remains in VPP:

1. In the National Office: Participant general information from the application; OSHA's preapproval report and subsequent evaluation reports; the Regional Administrator's or Director of Cooperative and State Programs' recommendation to the Assistant Secretary; and the Assistant Secretary's and Regional Administrator's approval letters.

2. The National Office also will maintain the complete application and related correspondence and amendments submitted by corporate applicants.

3. In the Regional Office: For all VPP applicants except corporate, the complete VPP application and amendments; preapproval report and subsequent evaluation reports; the Regional Administrator's recommendation to the Assistant Secretary via the Director of Cooperative and State Programs; the Assistant Secretary's and Regional Administrator's approval letters; any communications related to the Area Office removing the approved participant from the general inspection list; and related correspondence.

VI. Ways to Participate

A. Overview

1. This section details the three primary ways in which businesses and other organizations can participate in

VPP: Site-based, mobile workforce, and corporate. The general principles and features of VPP-quality safety and health management systems are generally consistent for all types of participation. These principles can be found in IV. above.

2. There are some differences, however, in the details and implementation of these systems, and how OSHA will evaluate applicants/participants. These differences will depend on whether employees work at a single fixed site or move from one work project to another, and also whether an employer is applying individually or through a broader corporate commitment to VPP. OSHA therefore offers, at VI.B., C., and D. below, slightly differing requirements for the three participation options.

3. Demonstration Programs may present unique features, requirements, and processes that do not fit into a clear-cut VPP category (way to participate, Star or Merit Program). For this reason, Demonstration Programs are not addressed in this Ways to Participate section. Parties interested in a Demonstration Program should refer to III.C.3. above and the specific provisions of the Demonstration announced by OSHA.

B. Site-Based Participation

1. Purpose

Site-based participation continues VPP's traditional acceptance of applications from fixed worksites and some long-term construction sites.

2. Eligibility

a. General. OSHA welcomes site-based VPP participation and accepts VPP applications from the owners and site officials who control site operations and have ultimate responsibility for assuring safe and healthful working conditions of:

(1) Private-sector fixed worksites in general industry and the maritime industry;

(2) Construction worksites/projects that will have been in operation for at least 12 months at projected time of approval and that expect to continue in operation for at least an additional 12 months; and

(2) Federal-sector fixed worksites.

OSHA also welcomes applications from:

(3) Resident contractors at participating VPP sites for the contractors' operations at those VPP sites. However, resident contractors participating at two or more VPP sites may be eligible for and prefer the mobile workforce way to participate (see VI.C.1.a.(2)); and

(4) Resident contractors at non-participating sites for the contractors' operations at those sites, so long as the resident contractors are part of a larger organization approved to participate under the corporate option (see VI.D. below).

b. Unionized Sites. At fixed worksites with employees organized into one or more collective bargaining units, the authorized representative for each collective bargaining unit must either:

(1) Sign the application or

(2) Submit a signed statement indicating that the collective bargaining agent supports or is not opposed to VPP participation.

Without such concurrence from all such authorized agents, OSHA will not accept the application.

c. OSHA History. In addition to the general requirement concerning an applicant's inspection history (see III.D.5.), the following applies to site-based participation: The fixed worksite's history must include no open investigations and no pending or open contested citations or notices under appeal at the time of application, and no affirmed willful violations during those prior 36 months.

3. Assurances

Site-based applications must include certain assurances describing what the applicant agrees to do if OSHA approves the application. The applicant must assure that:

a. Applicant will comply with the OSH Act and, in the case of Federal agencies, 29 CFR part 1960, and will correct in a timely manner all hazards discovered through self-inspections, employee notification, accident investigations, an OSHA onsite review or enforcement inspection, process hazard reviews, annual evaluations, or any other means. The applicant will provide effective interim protection as necessary to keep employees safe while corrections are being made.

b. Applicant will correct any site deficiencies related to compliance with OSHA requirements and identified during the OSHA preapproval onsite review. The correction period will be determined by the VPP team leader and will not exceed 90 days.

c. Applicant, following approval, will continue to meet and maintain the requirements of the elements. Site-based applicants whose primary activity is construction will continue to meet and maintain the construction requirements of the elements.

d. All employees, including newly hired employees and contractor/subcontractor employees when they reach the site, will have the VPP explained to them, including employee rights under the program and under the OSH Act or 29 CFR part 1960.

e. All employees engaged in safety and health activities, including those specifically given safety and health duties as part of applicant's safety and health management system, will be protected from discriminatory actions resulting from their activities/duties, just as Section 11(c) of the OSH Act and 29 CFR 1960.46(a) protect employees who exercise their rights.

f. Employees will have access to the results of self-inspections, accident investigations, and other safety and health management system data upon request. At unionized sites, this requirement may be met through employee representative access to these results.

g. To enable OSHA to determine initial and continued VPP approval, applicant will maintain and make available for OSHA review the information listed below:

(1) Written safety and health management system;

(2) All documentation listed at VI.B.6.d. below; and

(3) Any agreements between management and the authorized collective bargaining agent(s) concerning safety and health.

h. Applicant will make available to OSHA any data necessary to evaluate the achievement of individual Merit or One-Year Conditional goals not listed above.

i. Each year by February 15, each site-based participant will send to its designated OSHA VPP contact (see VIII.A. below):

(1) The site's total recordable case incidence rate (TCIR) for injuries and illnesses of all employees including temporary employees for the previous calendar year and

(2) The site's incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate) of all employees including temporary employees for the previous calendar year.

(3) Contractor data, the requirements for which differ for construction and non-construction participants.

(a) Fixed worksite participants whose primary activity is construction will include in the above rates and data required in VI.B.3.i.(4) below the experience of all employees including temporary employees and contractor/subcontractor employees.

(b) Fixed worksite participants whose primary activity is not construction will send to the designated OSHA VPP contact site data on each applicable contractor's employees. Applicable contractors are those employers who have contracted with the site to perform certain jobs and whose employees worked a total of 1,000 or more hours in at least 1 calendar quarter at the worksite.

The data will consist of the site's TCIR and DART rate for each applicable contractor's employees; total number of cases from which these two rates were derived; hours worked; and estimated average employment for the past full calendar year.

(4) Each site will also submit:

(a) The total number of cases for each of the above two rates;

(b) Hours worked;

(c) Estimated average employment for the past full calendar year;

(d) A copy of the most recent annual self-evaluation of the site's safety and health management system; and

(e) A description of any worksite success stories, for example, reductions in workers' compensation rates, increases in employee involvement in the program, etc.

j. Whenever significant organizational or ownership changes occur, the site will provide OSHA within 60 days a new Statement of Commitment signed by management and, when applicable, authorized collective bargaining agents.

k. Whenever a change occurs in union representation/status, the participant must notify the OSHA Regional Administrator in writing within 60 days. The Regional Administrator will determine what steps, if any, must be taken to reaffirm VPP support.

4. Injury and Illness Performance

In determining a site's qualification for the Star or Merit Program, OSHA considers the most recent 3-year recordable injury and illness experience and compares that experience with industry averages published by the Bureau of Labor Statistics (BLS). Some sites may use an alternative calculation of injury and illness experience based on the best 3 out of the most recent 4 years (see c. below). The following provisions govern the injury and illness performance requirements for site-based Star and Merit approval.

a. Star Rate Requirements

(1) General industry, maritime, and Federal agency (however, see Note below) site-based applicants at the time of approval must meet the following employee performance criteria. Employees include all regular site employees, including temporary and contractor employees who are regularly intermingled with the owner's employees and under direct supervision by management.

Note: Any Federal agency or other site-based applicant whose work is primarily construction in nature must meet the performance criteria for site-based construction applicants. See VI.B.4.a.(2) below.

Two rates reflecting the experience of the most recent 3 calendar years must be below at least 1 of the 3 most recent years of specific industry national averages for nonfatal injuries and illnesses at the most precise level published by BLS. OSHA will compare the two site rates against the single year that is most advantageous to the site out of the last 3 published years. These rates are:

(a) The 3-year total recordable case incidence rate (TCIR), a single rate that reflects 3 years of total recordable injuries and illnesses, and

(b) The 3-year incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate).

(2) The construction site-based applicant, including certain Federal agencies and other applicants (see Note at VI.B.4.a.(1) above), at the time of approval must meet the following criteria:

(a) The site for which VPP application is being made must have been in operation for at least 12 months.

(b) OSHA will consider the applicant's TCIR and DART rate dating from time of application back to site inception but in no instance greater than 3 years (or 4 years if using the alternative method of calculating rates, VI.B.4.c.). These two rates must include all workers of all contractors/subcontractors and must be below the national average for the type of construction at the site according to the most appropriate and representative NAICS code. The site's NAICS code is determined by the type of construction project, not individual trades.

b. Merit Rate Requirements

(1) For general industry, maritime, and Federal agencies, if the applicant's 3-year TCIR and/or the applicant's 3-year DART rate for the last 3 calendar years prior to approval does not meet the Star rate requirements (VI.B.4.a.), the applicant must have a plan to achieve Star rate requirements within 2 years. It must be statistically possible to achieve this goal.

(2) For the construction industry and other applicants whose primary work activity at the site is construction, if the incidence rates for the applicant site are not below the industry averages as required for Star, the applicant company must demonstrate that the company-wide 3-year rates are below at least 1 of the 3 most recently published years of BLS rates for the industry, at the most precise published level. OSHA will compare the two company-wide rates against the single year that is most advantageous to the applicant out of the last 3 published years.

c. Alternative Rate Calculation

Some applicants, usually smaller worksites with limited numbers of employees and/or hours worked, may use an alternative method for calculating incidence rates. The alternative method allows the applicant to use the best 3 out of the most recent 4 years' injury/illness experience.

(1) To determine whether the applicant qualifies for the alternative calculation method, do the following:

(a) Using the most recent employment statistics (hours worked in the most recent calendar year), calculate a hypothetical total recordable case incidence rate (TCIR) for the employer assuming that the employer had two cases during the year;

(b) Compare that hypothetical rate to the 3 most recently published years of BLS combined injury/illness total recordable case incidence rates for the industry; and

(c) If the hypothetical rate (based on two cases) is equal to or higher than the national average for the firm's industry in at least 1 of the 3 years, the employer qualifies for the alternative calculation method.

(2) If the applicant qualifies for the alternative calculation method, the best 3 of the last 4 calendar years may be used to calculate both 3-year rates (specified in VI.B.4.a. and b. above).

5. Additional Safety and Health Management System Requirements

For site-based construction applicants/participants and others whose primary work activity is construction, the following applies in addition to the safety and health management system annual self-evaluation requirements found at IV.A.8. above:

The self-evaluation must be conducted annually and immediately prior to completion of construction. The final evaluation is to determine what has been learned about safety and health activities that can be used to improve the participant's safety and health management system at other sites. If a participant does not provide this final evaluation, OSHA will not consider subsequent VPP applications from the participant.

6. Preapproval Onsite Review of Site-Based Applicants

a. Purpose. The preapproval review, which OSHA conducts in a non-enforcement capacity, is a review of the site's safety and health management system. It is conducted to:

(1) Verify the information supplied in the application concerning qualification for VPP;

(2) Identify the strengths and weaknesses of the applicant's safety and health management system, and evaluate its adequacy to address the site's hazards;

(3) Determine whether the applicant's safety and health management system meets the requirements for Star or Merit approval;

(4) Determine how effectively the applicant has implemented its safety and health management system;

(5) Identify any deficiencies in the applicant's safety and health management system that must be satisfactorily addressed before OSHA will approve the applicant;

(6) Determine whether the applicant is in compliance with OSHA regulations; and

(7) Obtain information to assist the Assistant Secretary in making the VPP approval decision.

b. Preparation. The review will be arranged at the mutual convenience of OSHA and the applicant. The review team will consist of a team leader; a back-up team leader (when needed); and health, safety, and other specialists as required by the size of the site and the complexity of its operations.

c. Duration. The time required for the preapproval onsite review will depend upon the size of the site and the complexity of its operations. Preapproval reviews usually average 4 days onsite, but may be shorter or longer based on the decision of the Regional Administrator or Regional VPP Manager.

d. Scope. All preapproval onsite reviews follow a three-pronged strategy that assesses a site's safety and health management system by means of document review, site walkthrough, and employee and management interviews.

The onsite review will include a review of injury, illness, and fatality records; recalculation and verification of the TCIR and the DART rate (the two rates submitted with the application); a general assessment of safety and health conditions to determine if the safety and health management system adequately protects workers from the hazards at the site; verification of compliance with OSHA and VPP requirements; and verification that the safety and health management system described in the application has been implemented effectively.

The review will include random formal and informal interviews with relevant individuals such as members of any safety and health committees, management personnel, randomly selected non-supervisory employees, union representatives, and contract workers.

Onsite document review will entail examination of the following records (or samples) if they exist and are relevant to the application or to the safety and health management system. (OSHA will accommodate trade secret concerns to the extent feasible.)

(1) Written safety and health management system;

(2) Management statement of commitment to safety and health and union statement of support if applicable;

(3) The OSHA Form 300 log (or a successor OSHA form) for the site and for all site contractor employees who are required to report;

(4) Safety and health manuals;

(5) Safety rules, emergency procedures, and examples of safe work procedures;

(6) The system for enforcing safety rules;

(7) Reports from employees of safety and health problems and documentation of management's response;

(8) Self-inspection procedures, reports, and correction tracking;

(9) Accident investigation reports and analyses;

(10) Safety and health committee minutes;

(11) Employee orientation and safety training programs and attendance records;

(12) Baseline safety and industrial hygiene exposure assessments and updates;

(13) Industrial hygiene monitoring records, results, exposure calculations, analyses, and summary reports;

(14) Annual safety and health management system self-evaluations, site audits, and, when needed to demonstrate that VPP criteria are being met, corporate audits that a site voluntarily chooses to provide in support of its application. The review of evaluative documents needed to establish that the site is meeting VPP requirements will cover at least the last 3 years and will include records of follow-up activities stemming from self-evaluation recommendations;

(15) Preventive maintenance program and records;

(16) Accountability and responsibility documentation, for example, performance standards and appraisals;

(17) Contractor safety and health programs, including applicable contractor injury and illness data that non-construction site-based participants must maintain (see VI.B.3.i.(3));

(18) Occupational health care programs and records;

(19) Available resources devoted to safety and health;

(20) Hazard and process analyses;

(21) Process Safety Management (PSM) documentation, if applicable;

(22) Employee involvement activities; and

(23) Other records that provide relevant documentation of VPP qualifications.

7. Term of Participation

a. Star Program. A site-based participant's term of participation in the Star Program is open-ended so long as the participant:

(1) Continues to maintain its excellent safety and health management system as evidenced by favorable reevaluation by OSHA every 30 to 60 months; and

(2) Submits the annual information required, including annual rates data and program self-evaluation (see VI.B.3.i.).

b. Merit Program. Site-based participants in the Merit Program are approved for a period of time agreed upon in advance of approval but not to exceed 3 years. The term will depend upon how long it is expected to take the applicant to accomplish the goals for Star participation. Merit participation terminates at the end of the term unless approval for a second term is recommended and is approved by the Assistant Secretary. Approval for a second term will be recommended only when unanticipated unique circumstances slow the participant's progress toward accomplishing the goals.

Note: For site-based construction participants in both the Star and Merit Programs, participation ends with the completion of construction work at the site.

c. Demonstration Programs. See III.C.3.e.

8. Periodic Reevaluation of Site-Based Participants—Star Program

a. Purpose. OSHA periodically conducts onsite reevaluations of Star participants to:

(1) Determine continued qualification for the Star Program;

(2) Document results of program participation in terms of the evaluation criteria and other noteworthy aspects of the site's safety and health management system; and

(3) Identify any problems that have the potential to adversely affect

continued qualification and determine appropriate follow-up actions.

b. Frequency. OSHA will conduct the first reevaluation within 30 to 42 months of the initial Star approval or, in the case of a Demonstration Program site that has been approved to Star, within 30 to 42 months of the last Demonstration evaluation. Subsequently, all site-based Star participants will be reevaluated at no greater than 60-month intervals. The identification of potentially serious safety and health risks may create the need for more frequent evaluation.

c. Scope. OSHA's reevaluation of site-based Star Program participants will consist mainly of an onsite visit similar in scope to the preapproval review described in VI.B.6.d. OSHA will review the documentation of system implementation since preapproval review or since the previous evaluation.

(1) The evaluation will include a review of employee incidence rates and supporting data specified at VI.B.4.

(2) For non-construction site-based participants, the review of applicable contractor data (see VI.B.3.i.(3)) will be part of OSHA's evaluation of the effectiveness of the site's contractor oversight and management system. For construction site-based participants, the performance of all contractors will be part of OSHA's evaluation (see VI.B.4.).

d. Measures of Effectiveness. OSHA will use the following factors in the reevaluation of site-based Star Program participants:

(1) Continued compliance with the program requirements and continuous improvement in the safety and health management system;

(2) Satisfaction and continuing demonstrated commitment of employees and management;

(3) Nature and validity of any complaints received by OSHA;

(4) Nature and resolution of problems that may have come to OSHA's attention since approval or the last evaluation; and

(5) The effectiveness of employee involvement provisions within the safety and health management system.

9. Periodic Reevaluation of Site-Based Participants—Merit Program

a. Purpose. OSHA periodically conducts onsite reevaluations of Merit participants to:

(1) Determine continued qualification for the Merit Program, or determine whether the participant may be approved to the Star Program;

(2) Determine whether adequate progress has been made toward the agreed-upon Merit goals;

(3) Identify any problems in the safety and health management system or its implementation that need resolution in order to continue qualification or meet agreed-upon goals;

(4) Document system improvements and/or improved results; and

(5) Provide advice and suggestions for needed improvements.

b. Frequency. OSHA will conduct the first reevaluation of a site-based Merit participant within 24 months (18 months is recommended) of approval. The site may request an earlier reevaluation if it believes it has met Star Program qualifications.

c. Scope. OSHA's reevaluation of site-based Merit participants will consist mainly of an onsite visit similar in scope to the preapproval review described at VI.B.6.c–d. OSHA will review documentation of system implementation since the preapproval review or the previous evaluation. The reevaluation will include a review of TCIR and DART rates for both the site and its applicable contractor employees as described at VI.B.4.

d. Measures of Effectiveness. OSHA will use the following factors in the reevaluation of site-based Merit Program participants:

(1) Continued adequacy of the safety and health management system to address the hazards of the workplace;

(2) Comparison of employer and contractor rates to the industry averages;

(3) Satisfaction and continuing demonstrated commitment of employees and management;

(4) Nature and validity of any complaints received by OSHA;

(5) Nature and resolution of problems that may have come to OSHA's attention since approval or the last evaluation;

(6) The effectiveness of employee involvement provisions within the safety and health management system; and

(7) Progress made toward goals specified in the preapproval or previous evaluation report.

10. Periodic Reevaluation of Site-Based Participants—Demonstration Program

See III.C.3.f.

C. Mobile Workforce Participation

1. Purpose and Distinguishing Features

a. Mobile workforce participation is intended for:

(1) Applicants/participants whose employees move physically from one work project to another; and

(2) Applicants/participants whose employees work as resident contractors at two or more fixed locations.

b. Participation Plan. Each applicant will develop a unique Participation Plan that includes a discussion of safety and health management system elements that differ in substance or emphasis from the basic system requirements provided at IV above. This may include, for example, management leadership and employee involvement strategies that ensure employee protection, such as employees' ability to leave the worksite if unsafe conditions exist; hazard analysis that uses historical sampling data for a baseline; emergency response policies and evacuation procedures appropriate to construction and other mobile workforce projects; and other alternative approaches to safety and health.

c. Designated Geographic Area (DGA). OSHA, after consulting with an applicant and considering the applicant's preference, will define a geographic area for VPP participation. The DGA will enable the applicant to achieve VPP participation and receive OSHA recognition for all its temporary work projects and resident contractor work projects in the designated area. This contrasts with site-based participation described at VI.B. above.

(1) A DGA cannot be smaller than an OSHA Area Office boundary and cannot exceed an OSHA Regional Office boundary.

(2) OSHA will provide procedures for mobile workforce applicants seeking to participate in, and approved participants seeking to expand into, more than one Region.

(3) The DGA will become part of the applicant's Participation Plan.

2. Eligibility

a. General. OSHA welcomes mobile workforce VPP participation and accepts VPP applications from:

(1) Private sector employers at various organizational levels in the construction industry, general industry, and the maritime industry; and

(2) Federal agency employers at various organizational levels.

b. Designated Geographic Area (DGA). The DGA will define the physical boundaries of the applicant's VPP participation. See VI.C.1.c. above.

(1) At time of application, the applicant must have at least one active work project within the DGA.

(2) If the applicant has only one active work project within the DGA at time of application, applicant must have at least one additional work project scheduled to begin during the coming 12 months.

c. Unionized Workforce

(1) When, at the time of application, a majority of an applicant's employees and contractor/subcontractor employees are represented by unions, the applicant

must provide to OSHA signed documentation that the unions either support VPP participation or are not opposed to participation.

(2) OSHA expects each applicant to determine whether the requirement for union support applies. Calculate the percentage of employees (including temporary employees) and contractor/subcontractor employees who are represented by unions at the time of VPP application. Then use the chart below.

If . . .	Then . . .
Majority of employees are represented by unions	Signed statement(s) required. Must be obtained from enough unions to represent a majority of all employees.
Some employees but less than a majority of all employees are represented by unions	No statement of union support required.
No employees are represented by unions	Requirement not applicable.

(3) An applicant required to obtain union support must obtain support from the authorized bargaining agents at its sites within the DGA; individual local unions that represent the applicant's employees; *or*, when appropriate, blanket support from a local, regional, or national industry council. Without such concurrence, OSHA will not accept the application.

(4) Where documented union support for VPP participation is not required, OSHA still will evaluate, through onsite interviews, employees' support for participation. A lack of employee support, for any reason, will impact OSHA's decision on the applicant's qualification. See Guiding Principles, Employee Support for Participation, III.D.3.

d. OSHA History

In addition to the general requirement concerning an applicant's inspection history (see III.D.5.), the following applies to mobile workforce participation:

The applicant's history within the DGA must include no open investigations and no pending or open contested citations or notices under appeal at the time of application, and no affirmed willful violations during those prior 36 months.

3. Assurances

Mobile workforce applications must include certain assurances describing what the applicant agrees to do if OSHA approves the application. The applicant must assure that:

a. Applicant will comply with the OSH Act and, in the case of Federal agencies, 29 CFR part 1960, and will correct in a timely manner all hazards discovered through self-inspections, employee notification, accident investigations, an OSHA onsite review or enforcement inspection, process hazard reviews, annual evaluations, or any other means. The applicant will provide effective interim protection as necessary.

b. Applicant will correct any site deficiencies related to compliance with OSHA requirements and identified during the OSHA preapproval onsite review. The correction deadline:

(1) Will depend on the length of the work project and the nature of the deficiency;

(2) Will be determined by the OSHA VPP team leader; and

(3) In no instance will exceed 30 days.

c. The systems and procedures of the safety and health management system are in place and effectively implemented at all work projects, and management provides effective oversight, to assure VPP-quality safety and health protection throughout the DGA.

d. Applicant, following approval, will continue to meet and maintain the requirements of the elements.

e. All employees, including newly hired employees and contractor/subcontractor employees, will have the VPP explained to them before they perform any work. This explanation will include employee rights under the program and under the OSH Act or 29 CFR part 1960.

f. All employees engaged in safety and health activities, including those specifically given safety and health duties as part of applicant's safety and health management system, will be protected from discriminatory actions resulting from their activities/duties, just as Section 11(c) of the OSH Act and 29 CFR 1960.46(a) protect employees who exercise their rights.

g. Employees will have access to the results of self-inspections, accident investigations, and other safety and health management system data upon request. For a unionized workforce, this requirement may be met through employee representative access to these results.

h. To enable OSHA to determine initial and continued VPP approval, applicant will maintain and make available for OSHA review the information listed below:

(1) Written safety and health management system;

(2) All documentation listed at VI.C.6.e–f. below; and

(3) Any agreements between management and the authorized collective bargaining agent(s) concerning safety and health.

i. Applicant will make available to OSHA any data necessary to evaluate the achievement of individual Merit or One-Year Conditional goals and not listed above.

j. Each year by February 15, each mobile workforce participant will send to its designated OSHA VPP contact (see VIII.A. below):

(1) The DGA's total recordable case incidence rate (TCIR) for injuries and illnesses for the previous calendar year; and

(2) The DGA's incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate) for the previous calendar year.

(3) The participant will also submit:

(a) The total number of cases for each of the above two rates;

(b) Total hours worked;

(c) Estimated average employment for the past full calendar year;

(d) A copy of the most recent annual self-evaluation of the participant's safety and health management system; and

(e) A description of any success stories, for example, reductions in workers' compensation rates, increases in employee involvement in the program, etc.

k. Whenever significant organizational or ownership changes occur, the mobile workforce participant will provide OSHA within 60 days a new Statement of Commitment signed by management and, when applicable, any authorized collective bargaining agents.

l. The percentage of employees represented by unions may change. Therefore, an approved mobile workforce participant will report to OSHA, as part of its annual evaluation, any change in this percentage that would have the effect of changing the participant's union support requirement.

m. When OSHA needs to visit a particular work project that the mobile workforce applicant/participant does not control, the applicant/participant will inform and should gain written permission from the controlling employer (for example, the general contractor) for OSHA to enter.

(1) In these instances, OSHA will provide reasonable notice prior to its visit.

(2) Should the controlling employer refuse permission for OSHA to enter, OSHA may consider visiting a different work project.

n. Project Lists

(1) Prior to OSHA's VPP preapproval onsite evaluation visit and subsequent reevaluation visits, the applicant/participant will provide OSHA with a list including addresses of all active work projects;

(2) If the applicant/participant is a controlling employer at any work projects within the DGA, it will provide OSHA with a list including addresses of all such active work projects and all such work projects scheduled or expected for the next 12 months;

(a) Applicant/participant will submit this list annually as part of the self-evaluation due by Feb. 15;

(b) For the purpose of VPP, a controlling employer is any entity at a work location (such as a general contractor or manager at a construction project) that controls project/site operations and has ultimate responsibility for assuring safe and healthful work conditions at the project/site.

4. Injury and Illness Performance

In determining a mobile workforce applicant's qualification for the Star or Merit Program, OSHA considers the most recent 3-year recordable injury and illness experience for all work conducted within the DGA (including work conducted by contractors/subcontractors) and compares that experience with industry averages published by the Bureau of Labor Statistics. Some applicants may use an alternative calculation of injury and illness experience based on the best 3 out of the most recent 4 years (c. below). The following provisions govern the injury and illness performance requirements for mobile workforce Star and Merit approval. They also address a temporary policy that allows applicants who do not maintain sufficient contractor/subcontractor data to phase in their reporting of this required data.

a. Star Rate Requirements

The mobile workforce applicant at the time of approval must meet the following employee performance criteria for the company's workforce within the DGA.

(1) The workforce consists of all employees over whom the applicant has responsibility and authority for safety and health, including regular hires plus temporary, contractor, and subcontractor employees. The term "combined workforce rates" as used here means injury and illness rates calculated from data that combine an applicant's regular workforce (which includes temporary employees) and its contractor/subcontractor employees.

(a) It is the applicant's responsibility to maintain records of hours worked by contractor/subcontractor employees under its control within the DGA plus any recordable injuries and illnesses these employees may experience.

(b) However, see VI.C.4.d. below for a phase-in of this combined workforce rate requirement.

(2) Two combined workforce rates reflecting the experience of the most recent 3 calendar years must be below at least 1 of the 3 most recent years of specific industry national averages for nonfatal injuries and illnesses at the most precise level published by the Bureau of Labor Statistics (BLS). OSHA will compare the two DGA-wide rates against the single year that is most advantageous to the applicant out of the last 3 published years. These rates are:

(a) The 3-year total recordable case incidence rate (a single rate that reflects 3 years of total recordable injuries and illnesses), and

(b) The 3-year incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate).

b. Merit Rate Requirements

If an applicant's 3-year TCIR and/or the applicant's 3-year DART rate for the last 3 calendar years prior to approval does not meet the Star rate requirements (immediately above), the applicant must have a plan to achieve Star rate requirements within 2 years. It must be statistically possible to achieve this goal.

c. Alternative Rate Calculation

Some applicants, usually smaller employers with limited numbers of employees/contractors/subcontractors and/or hours worked, may use an alternative method for calculating incidence rates. The alternative method allows the applicant to use the best 3 out of the most recent 4 years' injury/illness experience.

(1) To determine whether the applicant qualifies for the alternative calculation method, do the following:

(a) Using the most recent employment statistics (hours worked in the most recent calendar year), calculate a hypothetical total recordable case incidence rate for the employer assuming that the employer had two cases during the year;

(b) Compare that hypothetical rate to the 3 most recently published years of BLS combined injury/illness total recordable case incidence rates for the industry; and

(c) If the hypothetical rate (based on two cases) is equal to or higher than the BLS national average for the employer's industry in at least 1 of the 3 years, the employer qualifies for the alternative calculation method.

(2) If the applicant qualifies for the alternative calculation method, the best 3 of the last 4 calendar years may be used to calculate both 3-year rates (specified in VI.C.4.a above).

d. Phase-in of combined workforce rate requirement. OSHA expects to receive a 3-year combined workforce rate from each mobile workforce applicant. However, for a limited time period, a phase-in combined rate requirement is available for applicants who do not maintain sufficient contractor/subcontractor data.

Note: Mobile workforce participants who came into VPP as part of the Mobile Workforce Demonstration for Construction, and who have not completed that program's available phase-in, may continue their phase-in schedule.

To apply using the phase-in policy:

(1) For the year 2009, as part of an applicant's mobile workforce application, OSHA expects to receive:

(a) Combined workforce TCIR and DART rates for calendar year 2008, plus

(b) Company-only rates (that include temporary employees) for calendar years 2007 and 2006.

These 3 years of rates should reflect an applicant's nonfatal injury and illness experience within the DGA only.

(2) For calendar year 2010, new applicants and participants who applied using the phase-in rate requirement must provide to OSHA:

(a) Combined workforce TCIR and DART rates that reflect the experience of the company's regular workforce (including temporary employees) and contractors/subcontractors for calendar years 2008 and 2009, plus

(b) Company-only TCIR and DART rates (which include temporary employees) for calendar year 2007.

(3) Beginning January 1, 2011, all applicants and participants must provide to OSHA combined workforce TCIR and DART rates for the 3 most recent calendar years in the DGA. The data for each of these 3 calendar years must reflect the experience of the company's regular workforce (which includes temporary employees) combined with its contractors/ subcontractors at projects DGA-wide.

5. Additional Safety and Health Management System Requirements

a. The mobile workforce applicant's safety and health management system must be fully established at the Star level and, therefore, must incorporate all elements of the VPP safety and health management system, as delineated at IV. above. Approval to either the Merit or Star Program will be determined by the degree and effectiveness of implementation at individual sites/projects.

b. Because the mobile workforce participant often relies on contractor/ subcontractor employees, contract worker coverage (addressed at IV.A.7 above) is particularly critical for effective worker protection. Therefore, a mobile workforce participant's safety and health management system must provide thorough, documented oversight and management of all contractors/subcontractors under its control.

This oversight and management must include specific procedures for considering safety and health performance during the contractor selection process. If circumstances prevent the selection of contractors with a history of good safety and health performance, the participant's management system must provide sufficiently rigorous oversight to ensure the safety and health of all employees.

c. All mobile workforce applicants/ participants must perform routine self-inspections of all their active worksites within the DGA. These self-inspections must follow written procedures or guidance, involve trained employees, and result in written reports of findings and tracking of hazard elimination or control to completion. Each worksite must be covered in its entirety at least weekly.

6. Preapproval Onsite Review of Mobile Workforce Applicants

OSHA conducts a two-phased onsite review of mobile workforce applicants. The first phase consists of an evaluation of the applicant's safety and health management system. This is followed by a second phase, during which OSHA conducts onsite evaluations of selected temporary, currently active worksites/ projects within the DGA.

a. Purpose. This two-phased preapproval review, which OSHA conducts in a non-enforcement capacity, is intended to:

(1) Verify the information supplied in the application concerning qualification for VPP;

(2) Identify the strengths and weaknesses of the applicant's safety and health management system, and evaluate its adequacy to address the hazards of the applicant's worksites/ projects;

(3) Determine whether the applicant's safety and health management system meets the requirements for Star approval;

(4) Determine how effectively the applicant has implemented its safety and health management system at its sites/projects, and how effectively it provides continuing oversight;

(5) Identify any deficiencies in the applicant's safety and health management system that must be satisfactorily addressed before OSHA will approve the applicant;

(6) Determine whether the applicant is in compliance with OSHA regulations; and

(7) Obtain information to assist the Assistant Secretary in making the VPP approval decision.

b. Preparation. The review will be arranged at the mutual convenience of OSHA and the applicant. The review team will consist of a team leader; a back-up team leader (when needed); and health, safety, and other specialists as required by the complexity of applicant's operations and the size and complexity of the worksites/projects OSHA visits.

c. Duration. The time required for the preapproval onsite review will depend upon the complexity of applicant's operations and the number, size and complexity of the worksites/projects OSHA visits.

d. Scope. The preapproval onsite review for mobile workforce applicants will consist of two phases: An evaluation of the applicant's safety and health management system, and onsite evaluations of temporary, currently active worksites/projects.

e. Phase 1: Safety and Health Management System Review. OSHA initially will conduct an evaluation of the applicant's safety and health management system to determine whether the system meets Star requirements. It will include systems for ensuring implementation and oversight of safety and health protection at all worksites/projects within the DGA. This evaluation normally will take place at the fixed location where the applicant maintains safety and health records (typically the applicant's headquarters).

(1) Management Commitment. OSHA will carefully assess the applicant's management commitment to safety and health and to VPP. This assessment will include interviews with senior officials, employees, and union representatives where applicable.

(2) Document Review. OSHA will examine the following records (or samples) if they exist and are relevant to the application or to the safety and health management system. (OSHA will accommodate trade secret concerns to the extent feasible.)

(a) Written safety and health management system;

(b) Management statement of commitment to safety and health;

(c) The OSHA Form 300 log (or a successor OSHA form) for all sites/ projects within the DGA;

(d) Safety and health manuals;

(e) Safety rules, emergency procedures, and examples of safe work procedures;

(f) The system for enforcing safety rules;

(g) Reports from employees of safety and health problems and documentation of management's response;

(h) Self-inspection procedures, reports, and correction tracking;

(i) Accident investigation reports and analyses;

(j) Safety and health committee minutes;

(k) Employee orientation and safety training programs and attendance records;

(l) Baseline safety and industrial hygiene exposure assessments and updates;

(m) Industrial hygiene monitoring records, results, exposure calculations, analyses and summary reports;

(n) Annual safety and health management system self-evaluations, site audits, and, when needed to demonstrate that VPP criteria are being met, corporate audits that an applicant voluntarily chooses to provide in support of its application. The review of evaluative documents needed to establish that the applicant is meeting VPP requirements will cover at least the last 3 years and will include records of follow-up activities stemming from self-evaluation recommendations;

(o) Preventive maintenance program and records;

(p) Accountability and responsibility documentation, e.g., performance standards and appraisals;

(q) Contractor safety and health programs;

(r) Occupational health care programs and records;

(s) Available resources devoted to safety and health;

(t) Hazard and process analyses;

(u) Process Safety Management (PSM) documentation, if applicable;

(v) Employee involvement activities; and

(w) Other records that provide relevant documentation of VPP qualifications.

(3) Rates Review. OSHA will review DGA-wide injury, illness, and fatality records; and recalculate and verify the TCIR and the DART rate (the two rates submitted with the application).

f. Phase 2: Site/Project Evaluation. OSHA then will visit one or more temporary worksites/projects within the DGA. These worksite evaluations will assess how effectively the applicant has implemented its safety and health management system, including its system of oversight. The OSHA team will employ a strategy of site walkthrough, employee interviews, and site-specific document review.

(1) Site Walkthrough. The site walkthrough is a general assessment of safety and health conditions. It aims to determine whether the safety and health management system described in the application has been implemented effectively and is adequately protecting workers from site hazards. The walkthrough also will verify compliance with OSHA and VPP requirements.

(2) Interviews. The review will include random formal and informal interviews with relevant individuals, such as members of any safety and health committees, management personnel, randomly selected non-supervisory employees, temporary employees, union representatives, and contract workers.

(3) Site-Specific Document Review. OSHA will examine documents that demonstrate the site's implementation of applicant's safety and health management system, for example, specific rules regarding site hazards and site operations.

(4) Whenever possible, the onsite evaluations that OSHA conducts will be unannounced.

(5) However, when OSHA needs to visit a site that an applicant does not control,

(a) OSHA will provide reasonable notice prior to its visit;

(b) The applicant must inform and gain written permission from the controlling employer (for example, the general contractor) for OSHA to enter; and

(c) The applicant must inform the controlling employer that, while OSHA will focus primarily on the applicant's work at the site, any conditions (including those created by others) that OSHA views and deems a violation must be abated immediately or confirmed as abated according to an abatement plan approved by OSHA. In the VPP spirit of cooperation, OSHA will take no enforcement actions and issue no citations if the hazardous conditions are corrected immediately or with an OSHA-approved abatement plan. Only if correction does not occur will OSHA have the option to exercise normal enforcement procedures.

(6) Number of Site/Project Evaluations. The number of site/project evaluations will depend on the complexity and scope of applicant's operations and the number of sites/projects within the DGA, and will be determined by the Regional Administrator.

(7) Evaluation of Fixed Locations. Some applicants may conduct certain operations at fixed locations, such as a headquarters, warehouse, or construction yard, that impact the safety and health of the applicant's mobile workforce. OSHA reserves the right to evaluate these fixed locations, although they will not be considered a worksite for purposes of mobile workforce participation. Should an applicant desire to bring such fixed work locations into VPP, OSHA will accept applications under VPP's site-based participation requirements, as provided in VI.B. above.

7. Term of Participation

a. Star Program. A mobile workforce participant's term of participation in the Star Program is open-ended so long as the participant:

(1) Continues to maintain its excellent safety and health management system at its sites/projects within the DGA as evidenced by favorable reevaluation; and

(2) Submits the annual information required, including annual rates data and program self-evaluation (see VI.C.3.j. above).

b. Merit Program. Mobile workforce participants in the Merit Program are approved for a period of time agreed upon in advance of approval but not to exceed 3 years. The term will depend upon how long it is expected to take the applicant to accomplish the goals for Star participation. Merit participation terminates at the end of the term unless approval for a second term is recommended and is approved by the Assistant Secretary. Approval for a second term will be recommended only when unanticipated unique circumstances slow the participant's progress toward accomplishing the goals.

c. Demonstration Program. See III.C.3.e.

8. Periodic Reevaluation of Mobile Workforce Participants—Star Program

a. Purpose. Periodic evaluation of Star participants is intended to:

(1) Determine continued qualification for the Star Program;

(2) Document results of program participation throughout the DGA in terms of the evaluation criteria and other noteworthy aspects of the participant's safety and health management system; and

(3) Identify any problems that have the potential to adversely affect continued qualification and determine appropriate follow-up actions.

b. Frequency.

(1) OSHA will conduct the first post-approval reevaluation of a mobile workforce participant's sites/projects within 18 to 24 months of the initial Star approval or, in the case of a Demonstration Program participant that has been approved to Star, within 18 to 24 months of the last Demonstration evaluation.

(2) Subsequently, OSHA will reevaluate sites/projects within the DGA at no greater than 36-month intervals. The identification of potentially serious safety and health risks may create the need for more frequent evaluation.

(3) OSHA will reevaluate the participant's safety and health management system, normally at the participant's headquarters, beginning with the second post-approval reevaluation (see VI.C.8.b(2) above), and subsequently at the time of every second reevaluation period.

c. Scope. OSHA's reevaluation of mobile workforce Star Program participants will consist mainly of site/project visits and/or safety and health management system reviews similar in scope to the preapproval review described in VI.C.6.e-f. above. OSHA will review the documentation of system implementation since preapproval review or since the previous evaluation. The evaluation will include a review of DGA-wide incidence rates and supporting data (specified in VI.C.4. above) for all employees including temporary workers and contractor/subcontractor employees throughout the DGA for the latest 3 complete calendar years.

d. Measures of Effectiveness. OSHA will use the following factors in the evaluation of mobile workforce Star Program participants:

(1) Continued compliance with the program requirements and continuous improvement in the safety and health management system;

(2) Satisfaction and continuing demonstrated commitment of employees and management;

(3) Nature and validity of any complaints received by OSHA;

(4) Nature and resolution of problems that may have come to OSHA's attention since approval or the last evaluation; and

(5) The effectiveness of employee involvement provisions within the safety and health management system.

9. Periodic Reevaluation of Mobile Workforce Participants—Merit Program

a. Purpose. Periodic reevaluation of Merit participants is intended to:

(1) Determine continued qualification for the Merit Program, or determine whether the participant may be approved for the Star Program;

(2) Determine whether adequate progress has been made toward the agreed-upon Merit goals;

(3) Identify any problems in the safety and health management system or its implementation that need resolution in order to continue qualification or meet agreed-upon goals;

(4) Document system improvements and/or improved results; and

(5) Provide advice and suggestions for needed improvements.

b. Frequency.

(1) OSHA will reevaluate a mobile workforce participant's sites/projects every 12 to 18 months or, in the case of a Demonstration Program participant that has been approved to Merit, every 12 to 18 months following the last Demonstration evaluation. The identification of potentially serious safety and health risks may create the need for more frequent evaluation.

(2) The participant may request an earlier reevaluation if it believes it has met Star Program qualifications.

(3) OSHA will reevaluate the participant's safety and health management system, normally at corporate headquarters, before making any recommendation to advance the participant to the Star Program.

c. Scope. OSHA's reevaluation of mobile workforce Merit Program participants will consist mainly of site/project visits and safety and health management system reviews similar in scope to the preapproval review described in VI.C.6.e-f. above. OSHA will review the documentation of system implementation since preapproval review or the previous evaluation. The reevaluation will include a review of DGA-wide incidence rates and supporting data (specified in VI.C.4. above) for all employees including temporary workers and contractor/subcontractor employees throughout the DGA for the latest 3 complete calendar years.

d. Measures of Effectiveness. OSHA will use the following factors in the reevaluation of mobile workforce Merit Program participants:

(1) Continued adequacy of the safety and health management system to address the hazards at sites/projects throughout the DGA;

(2) Comparison of injury/illness rates to the industry average;

(3) Satisfaction and continuing demonstrated commitment of employees and management;

(4) Nature and validity of any complaints received by OSHA;

(5) Resolution of problems that have come to OSHA's attention;

(6) The effectiveness of employee involvement provisions within the safety and health management system; and

(7) Progress made toward goals specified in the preapproval or previous evaluation report.

10. Periodic Reevaluation of Mobile Workforce Participants—Demonstration Program.

See III.C.3.f.

D. Corporate Participation

The corporate way to participate may be appropriate for large organizations that have committed to bringing multiple facilities into VPP.

1. Purpose and Distinguishing Features

a. Corporate participation is intended for applicants/participants who:

(1) Are committed to achieving VPP approval for multiple specified individual sites and/or sites within Designated Geographic Areas (DGAs) within their organization;

(2) Utilize a well-established, standardized safety and health management system at all sites and/or DGAs seeking VPP approval; and

(3) Employ prescreening processes to ensure that their sites have effectively implemented the safety and health management system, addressed site-specific hazards, satisfied the VPP requirements, and completed all sections of the application before submitting it to OSHA.

b. Streamlined application and onsite evaluation processes. Organizations who achieve corporate VPP status are able to utilize streamlined application and onsite evaluation processes to bring into VPP individual sites or all sites within a DGA. These streamlined processes focus on implementation of the corporation's standardized safety and health policies and systems and any site-specific programs. Typically, less time is required for application preparation and review and the onsite evaluation, because:

(1) OSHA completes its evaluation of the corporation's standardized safety and health management system before focusing on individual sites/DGAs; and

(2) Before individual sites/DGAs apply under this option, they first undergo extensive screening processes, conducted by corporate personnel, to ensure readiness for VPP.

Individual sites/DGAs that come into VPP continue to be subject to the policies and requirements outlined in VI.B (site-based) and VI.C (mobile) above.

2. Eligibility

a. General. OSHA welcomes corporate VPP participation and accepts VPP applications from:

(1) Employers at various organizational levels in general industry, the construction industry, and the maritime industry; and

(2) Federal agencies.

All applicants must have a demonstrated working knowledge and experience of VPP, either through the traditional site-based program or the mobile workforce approach, and must have resources dedicated to establishing VPP throughout the organization.

b. Unionized Organizations. Organizations whose employees are organized into one or more collective bargaining units may wish to involve the unions during the corporate approval process. Individual sites/DGAs applying for VPP through the streamlined corporate application and onsite evaluation processes must adhere to the policies set forth in sections VI.B.2.b and VI.C.2.c above.

c. OSHA History. In addition to the general requirement concerning an applicant's inspection history (see III.D.5.), the following applies to corporate participation:

The applicant must not have any affirmed willful violations organization-wide during its most recent 36-month period. The applicant's history may include open investigations and/or pending or open contested citations or notices under appeal at the time of application. However, OSHA will review the applicant's most recent 36-month history for evidence of an overarching safety and health management system deficiency or events/actions that call into question the cooperative spirit and trust inherent in the VPP relationship (see III.D.1.).

3. Assurances

Corporate applications must include certain assurances describing what the applicant agrees to do if OSHA approves the application. The applicant must assure that:

a. Applicant will comply with the OSH Act and, in the case of Federal agencies, 29 CFR part 1960, and will correct in a timely manner all hazards discovered through self-inspections, employee notification, accident investigations, an OSHA onsite review, process hazard reviews, annual evaluations, or any other means. The applicant will provide effective interim protection as necessary.

b. Applicant will correct any deficiencies related to compliance with OSHA requirements and identified during the OSHA preapproval onsite reviews. The correction deadline:

(1) Will depend on the nature of the deficiency;

(2) Will be determined by the OSHA VPP team leader; and

(3) In no instance will exceed 90 days.

c. A system for overseeing and monitoring safety and health management system implementation is maintained for all worksites/projects.

d. A system is maintained for pre-screening site/DGA readiness for VPP, so that at least 80 percent of an organization's site/DGA applicants are sufficiently qualified to achieve Star approval.

e. Applicant, following approval, will continue to meet and maintain the requirements of the VPP safety and health management system elements.

f. Applicant will bring no fewer than 10 sites and/or DGAs into VPP within 5 years of corporate approval, and then will continue to bring sites/DGAs into VPP.

g. Applicant has established and will maintain a documented, corporate-wide goal for VPP participation. Applicant will communicate this goal to employees organization-wide.

h. At applicant and approved sites, all employees, including newly hired employees and contractor/subcontractor employees, will have the VPP explained to them before they perform any work. This explanation will include employee rights under the program and under the OSH Act or 29 CFR part 1960.

i. All employees engaged in safety and health activities, including those specifically given safety and health duties as part of applicant's safety and health management system, will be protected from discriminatory actions resulting from their activities/duties, just as Section 11(c) of the OSH Act and 29 CFR 1960.46(a) protect employees who exercise their rights.

j. Employees will have access to the results of self-inspections, accident investigations, and other safety and health management system data upon request. For a unionized workforce, this requirement may be met through employee representative access to these results.

k. To enable OSHA to determine initial and continued VPP approval, applicant will maintain and make available for OSHA review the information listed below:

(1) Written safety and health management system;

(2) All documentation listed at VI.D.6.d. below; and

(3) Any agreements between management and the authorized collective bargaining agent(s) concerning safety and health.

l. Applicant will make available to OSHA any data not listed above that is necessary to evaluate identified deficiencies.

m. Each year by February 15, each corporate participant will send to its designated OSHA VPP contact (see VIII.A. below) data that will enable OSHA to evaluate its overall VPP performance and compare that performance to the organization's non-participating sites. This data will include:

(1) Total recordable case incidence rate (TCIR) for injuries and illnesses at all approved sites for the previous calendar year;

(2) Total recordable case incidence rate (TCIR) for injuries and illnesses at all non-VPP sites for the previous calendar year;

(3) Total recordable incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate) at all approved sites for the previous calendar year;

(4) Total recordable incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate) at all non-VPP sites for the previous calendar year;

(5) The participant will also submit:

(a) Total number of cases and hours worked for each of the above four rates;

(b) Number and percentage of U.S.-based VPP-approved facilities for the past full calendar year;

(c) Number and percentage of U.S.-based employees participating in VPP for the past full calendar year;

(d) A list of applications submitted during the past full calendar year, and a list of projected applications for the current full calendar year;

(e) Any corporate-level safety and health management system policy/procedure changes;

(f) Any major changes in corporate management or structure;

(g) Information on Special Government Employee, mentoring, and other outreach activities for the past full calendar year; and

(h) Corporate-wide success stories/best practices.

n. Whenever significant organizational or ownership changes occur, the corporate participant will provide OSHA within 60 days a new Statement of Commitment signed by management and, when applicable, any authorized collective bargaining agents.

4. Injury and Illness Performance

There are no organization-wide injury and illness rate requirements for organizations desiring to come into VPP via the corporate way to participate. OSHA will examine, however, injury and illness trends during its review of an applicant's safety and health management system. After OSHA approves an organization under the corporate option, the individual sites/DGAs that apply are subject to the VPP rate requirements of a program (Star or Merit) and the chosen manner of participation (site-based or mobile workforce).

5. Additional Safety and Health Management System Requirements

a. The corporate applicant's safety and health management system must be fully established at the Star level and, therefore, incorporate all elements of the VPP safety and health management system, as delineated in IV. above. OSHA may approve individual sites/DGAs to either the Star or Merit Program, depending on the degree and effectiveness of safety and health management system implementation. OSHA expects that at least 80 percent of an organization's sites/DGAs will achieve Star approval.

b. Pre-screening. A corporate applicant must have effective internal pre-screening processes to evaluate its sites/DGAs' level of preparedness to participate in VPP. VPP pre-screening processes are required for evaluating the implementation of the safety and health management system at each candidate site/DGA and the completeness of the VPP application prior to submission to OSHA.

c. A corporate applicant's safety and health management system must provide thorough, documented oversight, management, and evaluation of employee safety and health at all sites/DGAs.

6. Preapproval Onsite Review of a Corporate Applicant's Safety and Health Management System

When an organization chooses the corporate way to participate, the first step in OSHA's preapproval onsite review process will be an evaluation of the applicant's standardized safety and health management system. This will be followed by onsite evaluations of all applicant sites/DGAs.

a. Purpose of the Safety and Health Management System Review. This preapproval review, which OSHA conducts in a non-enforcement capacity, is intended to:

(1) Verify the information supplied in the application concerning qualification for VPP;

(2) Identify the strengths and weaknesses of the applicant's safety and health management system, and evaluate its adequacy to address the hazards of the applicant's sites/DGAs;

(3) Determine whether the applicant's safety and health management system meets the requirements for Star approval,

(4) Determine how effectively the applicant's safety and health management system addresses safety and health implementation at its sites/DGAs, and how effectively the system provides pre-screening and continuing oversight and evaluation;

(5) Identify any deficiencies in the applicant's safety and health management system that must be satisfactorily addressed before OSHA will approve the applicant.

(6) Determine whether the applicant is in compliance with OSHA regulations; and

(7) Obtain information to assist the Assistant Secretary in making the VPP approval decision.

b. Preparation. The review will be arranged at the mutual convenience of OSHA and the applicant. The review team will consist of a team leader; a back-up team leader (when needed); and health, safety, and other specialists as required by the complexity of applicant's operations.

c. Duration. The time required for the preapproval onsite review will depend upon the complexity of applicant's operations but normally will last 3 days.

d. Scope. OSHA will conduct an evaluation of the applicant's safety and health management system to determine whether the system meets Star requirements. It will include systems for ensuring safety and health management system implementation, pre-screening, and continuing oversight and evaluation of safety and health protection at sites/DGAs within the corporation. This evaluation normally will take place at the fixed location where the applicant maintains safety and health records (typically the applicant's headquarters).

(1) Management Commitment. OSHA will carefully assess the applicant's management commitment to safety and health and to VPP. This assessment will include interviews with senior officials, regular and temporary employees, and union representatives where applicable, from headquarters and select sites/DGAs.

(2) Document Review. OSHA will examine the following records (or samples) if they exist and are relevant to the application or to the safety and health management system. (OSHA will accommodate trade secret concerns to the extent feasible.)

(a) Written safety and health management system, including policies and procedures that ensure compliance with OSHA standards;

(b) Management statement of commitment to safety and health;

(c) Safety and health manuals;

(d) Safety rules, emergency procedures, and examples of safe work procedures;

(e) The system for enforcing safety rules;

(f) The system for employee reporting of safety and health problems and management response;

(g) Self-inspection procedures, reports, and correction tracking;

(h) The system for investigating, documenting and analyzing accidents;

(i) The system for establishing and tracking safety and health performance goals;

(j) The system for tracking and responding to injury and illness trends;

(k) Employee orientation and safety training programs;

(l) The system for measuring, documenting, and assessing safety and industrial hygiene exposures;

(m) The system for conducting annual safety and health management system self-evaluations and site/DGA oversight and evaluation;

(n) The system for preventive maintenance;

(o) Accountability and responsibility documentation, e.g., performance standards and appraisals;

(p) Contractor safety and health programs;

(q) The system for occupational health care;

(r) Available resources devoted to safety and health;

(s) The system for conducting hazard and process analyses;

(t) The system to ensure meaningful employee involvement in safety and health;

(u) Other records that provide relevant documentation of VPP qualifications.

7. Site/DGA Evaluation. After OSHA reviews a corporate applicant's safety and health management system and grants VPP corporate approval, the Agency will accept streamlined applications and conduct streamlined onsite evaluations of corporate sites/DGAs. These evaluations and subsequent reevaluations will focus on how effectively the sites/DGAs implement the corporate-wide safety and health management system and additional protective measures that address specific site/DGA conditions. The evaluations and reevaluations will conform to OSHA's policies and requirements for site-based participation (see VI.B. above) and mobile workforce participation (see VI.C. above).

8. Term of Participation

a. A corporate participant's term of participation is open-ended so long as the participant:

(1) Continues to maintain its excellent safety and health management system;

(2) Submits the annual information required (see VI.D.3.n. above);

(3) Continues to bring acceptable numbers of new sites/DGAs into VPP (see VI.D.3.f. above).

b. The term of participation for individual sites/DGAs will depend on the program to which they are approved (Star or Merit) and their manner of participation (site-based or mobile workforce).

c. In the event a corporation withdraws from VPP, completes its participation, or is terminated by OSHA, individual qualified sites/DGAs are entitled to continue their participation under the site-based option.

9. Periodic Reevaluation of Corporate Safety and Health Management System

a. Purpose. OSHA periodically conducts onsite reevaluation of a corporate participant's safety and health management system to:

(1) Determine continued qualification for corporate participation;

(2) Document results of participation in terms of the evaluation criteria and other noteworthy aspects of the participant's safety and health management system; and

(3) Identify any problems that have the potential to adversely affect continued qualification and determine appropriate follow-up actions.

b. Frequency. OSHA will conduct reevaluations of corporate participants' safety and health management systems at no greater than 60-month intervals. (Significant changes in the safety and health management system, corporate leadership or structure may trigger more frequent evaluation.) For corporate participants who participated in the Corporate Pilot, OSHA will conduct the initial reevaluation of the safety and health management system within 60 months of the last Corporate Pilot evaluation.

c. Scope. OSHA's reevaluation of corporate participants will consist mainly of an onsite visit similar in scope to the preapproval onsite review described in VI.D.6. above.

d. Measures of Effectiveness. OSHA will use the following factors in the reevaluation of corporate participants:

(1) Continued compliance with VPP requirements and continuous improvement in the safety and health management system;

(2) Satisfaction and continuing demonstrated commitment of employees and management; and

(3) Nature and resolution of problems that may have come to OSHA's attention since approval or the last evaluation.

VII. Participation Decisions

A. Recommendation for Program Approval

1. Approval

If, in the opinion of the OSHA preapproval onsite review team, the applicant has met the qualifications for participation, the team leader will submit the team's recommendation to the appropriate OSHA official, normally the Regional Administrator. This official, on concurrence, will recommend approval to the Director of Cooperative and State Programs. The Director of Cooperative and State Programs will review the preapproval report for compliance with program criteria and consistent application of the qualifications requirements and, on concurrence, will forward the recommendation to the Assistant Secretary to approve participation. Approval will occur on the day that the Assistant Secretary signs a letter informing the applicant of approval.

2. Deferred Approval

If the preapproval review determines that the applicant needs to take steps to meet one or more program requirements or to come into compliance with OSHA rules, the applicant will be given reasonable time (up to 90 days) before a recommendation for VPP approval is made to the Assistant Secretary. When necessary, an onsite visit will be made to verify the actions taken after the preapproval onsite review visit.

Upon satisfactory completion of the above steps, the onsite review team leader will initiate the approval process described in VII.A.1. above.

3. Rejection of the Recommendation to Approve

Should the Assistant Secretary for any reason reject the recommendation to approve made by the Regional Administrator or other appropriate official, a letter from the Assistant Secretary denying approval and explaining the rejection will be sent to the applicant. The denial will occur as of the date of the Assistant Secretary's letter.

B. Recommendation for Program Denial

1. If OSHA determines that the applicant does not meet the requirements for VPP participation, the Agency will allow reasonable time (not to exceed 30 calendar days) for the applicant to withdraw its application or submit an appeal of the team recommendation.

a. If the applicant chooses to withdraw its application, the provisions of V.E. above will apply and no onsite team report will be generated.

b. If an applicant chooses to appeal the recommendation, it should submit its appeal within 30 calendar days to the Regional Administrator or other appropriate OSHA official. That official will submit the appeal, along with a denial recommendation, to the Director of Cooperative and State Programs, who will review the submission and forward it to the Assistant Secretary.

2. The Assistant Secretary will make a binding decision.

a. If the Assistant Secretary accepts the applicant's appeal, the applicant will be approved to VPP on the day the Assistant Secretary signs a letter conveying this decision to the applicant.

b. If the Assistant Secretary denies the applicant's appeal, participation denial will occur on the day the Assistant Secretary signs a letter conveying this decision to the applicant.

C. Reapproval Recommendations and Decisions

1. Star Program

The Regional Administrator or other appropriate official will make one of the following decisions/recommendations following a Star periodic reevaluation visit:

a. Decision to continue participation in the Star Program;

b. Decision to allow a 1-year conditional participation in the Star Program. The VPP onsite review team may recommend this alternative if it finds that the participant has allowed one or more safety and health management system elements to slip below Star quality. Before a participant can be placed on 1-year conditional status, the participant first must return its safety and health management system to Star quality within 90 calendar days of the evaluation visit and must demonstrate a commitment to maintain that level of quality;

c. Recommendation to remove a Star participant's 1-year conditional status. A VPP onsite review team will return to a conditional Star participant's site/DGA 1 year after the onset of conditional status to determine if the participant's safety and health management system remains at Star quality. If the team is satisfied that Star quality has been maintained, it will recommend the participant be reapproved to the Star Program; or

d. Recommendation to Terminate. After considering the recommendation of the VPP onsite review team, the Regional Administrator or other appropriate official may recommend to the Assistant Secretary that a participant be terminated if the participant has been found to have significantly failed to maintain its safety and health management system at Star quality or meet other VPP requirements.

2. Merit Program

The Regional Administrator or other appropriate official will make one of the following decisions/recommendations following a Merit periodic evaluation visit:

a. Decision for continued Merit participation;

b. Recommendation for advancement to the Star Program;

c. Recommendation for termination; or

d. Recommendation for a second Merit term. This recommendation will occur only when unanticipated unique circumstances slow the participant's progress toward accomplishing the goals.

3. Demonstration Program

The Regional Administrator or other appropriate official will make one of the following decisions/recommendations to the Assistant Secretary following a Demonstration periodic reevaluation visit.

a. Decision to continue participation in the Demonstration Program at current recognition level (Star or Merit);

b. Recommendation for advancement to Star level recognition within the Demonstration Program; or

c. Recommendation for termination. This recommendation may occur when the unique aspects of the Demonstration do not provide VPP-quality protection or when the participant has significantly failed to maintain a VPP-quality safety and health management system.

4. Corporate Safety and Health Management System

The Regional Administrator or other appropriate official will make one of the following recommendations to the Assistant Secretary following a periodic reevaluation visit to reassess a corporate participant's organization-wide safety and health management system.

a. Recommendation to continue participation; or

b. Recommendation for termination.

5. Effective Date of Reapproval Decisions

a. When the Regional Administrator or other appropriate official has authority to make a reapproval decision, the effective date will be the day the deciding official signs a letter conveying the decision to the participant.

b. When the Regional Administrator or other appropriate official makes a reapproval recommendation to the Assistant Secretary, the effective date will be the day the Assistant Secretary signs a letter conveying the decision to the participant.

D. Voluntary Withdrawal

1. A participant may withdraw from VPP for any reason, including receipt of an OSHA notice of intent to terminate, by submitting written notification to the Regional Administrator or other appropriate OSHA official.

2. The completion of work by a site-based construction participant, and the resulting final self-evaluation (see VI.B.5.), will constitute a withdrawal.

3. Before acting to terminate a participant from VPP (see VII.E. below), OSHA normally will give the participant the opportunity to voluntarily withdraw.

E. Termination of Participation

1. Reasons for Termination. OSHA will terminate a participant from VPP when:

a. Participant's management, or the duly authorized collective bargaining agent, where applicable, withdraws support for VPP participation;

b. A participant fails to maintain its safety and health management system in accordance with program requirements;

c. Following a fatality or other significant event and completion of OSHA enforcement action and/or a VPP reevaluation (see VIII.C.2–3), OSHA determines that the event reflects a serious deficiency in the participant's safety and health management system that warrants termination.

d. No significant progress has been made toward achieving the established Merit goals or 1-year Star Conditional goals;

e. The 2-year period for a Rate Reduction Plan has expired without the participant returning injury and illness rates to acceptable levels;

f. The Merit term of approval has expired, and no recommendation has been made for a second term;

g. The sale of a VPP participant to another company or a management change has significantly weakened the safety and health management system;

h. Resident contractor participation is no longer possible because the host site no longer participates in VPP and no other appropriate option is available. This reason for termination does not apply to resident contractors that are participating as part of a larger organization approved under the corporate option;

i. A corporate participant fails to meet expected numbers of new site/DGA participants;

j. OSHA terminates a Demonstration Program for just cause; or

k. The Regional Administrator or other appropriate official presents written evidence to the Assistant Secretary that the essential trust and cooperation among labor, management, and OSHA no longer exist, and therefore recommends termination, and the Assistant Secretary concurs.

2. Termination Notification and Appeal or Withdrawal

a. Under most circumstances, OSHA will provide the participant and bargaining unit representatives 30 days' notice of intent to terminate participation in the VPP. During the 30-day period, the participant is entitled to appeal in writing to the Assistant Secretary and to provide reasons why it believes it should not be removed from the VPP.

b. OSHA will not provide 30 days' notice when:

(1) Other terms for termination were agreed upon before approval; or

(2) A set period for approval is expiring.

3. Reapplication Following Termination

a. Reinstatement to VPP following termination requires reapplication.

b. OSHA will not consider the reapplication of a terminated participant for a period of 3 years from the date of termination.

VIII. OSHA's Post-Approval Contact with Participants

A.OSHA Contact Person

The Contact Person for each VPP participant will be the appropriate Regional VPP Manager or his/her designee, or the appropriate OSHA National Office representative. This person will be available to assist the participant, as needed.

B. OSHA Compliance Assistance

1. In some cases, OSHA may schedule and conduct an onsite assistance visit, for example, to respond to employer technical inquiries or to ensure the efficacy of a Demonstration.

2. Whenever significant changes in ownership or organizational structure occur, or a change occurs in an authorized collective bargaining agent required to provide evidence of support for VPP, OSHA may make an onsite assistance visit if needed to determine the impact of the changes on VPP participation. In the event of such changes, the Regional Administrator or other appropriate OSHA official must be notified of the change within 60 days, and a new signed Statement of Commitment will be required. The Statement must be signed by management and appropriate bargaining representatives.

3. Whenever a 3-year rate (either the TCIR or the DART rate) of a Star Program participant exceeds the 3 most recent years' national averages published by BLS, at the discretion of the Regional Administrator or other appropriate OSHA official, the participant may be required to develop an agreed upon 2-year rate reduction plan.

a. If appropriate, OSHA may make an assistance visit to help the participant develop the plan.

b. The plan may be developed in conjunction with needed corrections to deficiencies within the safety and health management system that have resulted in OSHA placing the participant on 1-year conditional status. (See VII.C.1.b.)

(1) OSHA may lift a participant's conditional status before completion of the rate reduction plan.

(2) If, after 2 years, a participant's rates have not returned to acceptable levels, the participant will be asked to withdraw from VPP. Failure to withdraw will result in termination.

C. OSHA Enforcement

1. Programmed Inspections. VPP applicants and participants, unless they choose otherwise, will be removed from OSHA's programmed inspection lists, including any lists of targeted sites.

a. OSHA will remove an individual site applicant or multiple sites within an applicant DGA from the programmed inspection lists.

(1) This will occur no more than 75 calendar days prior to the commencement of the scheduled preapproval onsite review.

(2) The applicant will remain off these lists until official denial of the application, applicant withdrawal of its

application, or, if the applicant is approved to the VPP, subsequent cessation of active participation in the VPP.

b. Upon approval, VPP participants will continue to be removed from OSHA inspection lists for the duration of approved participation.

c. Removal from OSHA programmed inspection lists does not apply to a corporate headquarters or DGA headquarters unless these locations have applied or been approved for site-based participation.

2. Unprogrammed Inspections

a. Workplace complaints to OSHA, all fatalities and catastrophes, and other significant events will be handled by enforcement personnel in accordance with normal OSHA enforcement procedures.

b. The history of the VPP demonstrates that safety and health problems discovered during any contact with VPP participants normally are resolved cooperatively. Nevertheless, OSHA must reserve the right, where employees' safety and health are seriously endangered and management refuses to correct the situation, to refer the situation to the Assistant Secretary for review and enforcement action. The employer will be informed that a referral will be made to the Assistant Secretary and that enforcement action may result.

3. Additional VPP Investigations

a. Following significant events, e.g., fatalities, chemical spills or leaks, or other accidents, OSHA may choose to use VPP personnel to conduct an onsite review to determine a participant's continued eligibility for VPP.

b. OSHA also may choose to investigate other significant accidents or events that come to its attention and that are not required to be handled with normal OSHA enforcement procedures, whether or not injury/illness is involved. OSHA will use VPP personnel to determine whether the accident or incident reflects a serious deficiency in the participant's safety and health management system that warrants reevaluation of the participant's VPP qualification.

Authority: The Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.*

Signed at Washington, DC, this 5th day of January, 2009.

Thomas M. Stohler,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E9–165 Filed 1–8–09; 8:45 am]

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MILLENNIUM CHALLENGE CORPORATION

[MCC 09–05]

Notice of Quarterly Report (July 1, 2008–September 30, 2008)

AGENCY: Millennium Challenge Corporation.

SUMMARY: The Millennium Challenge Corporation (MCC) is reporting for the quarter July 1, 2008 through September 30, 2008 in respect to both assistance provided under Section 605 of the Millennium Challenge Act of 2003 (Pub. L. 108–199, Division D (the Act)), and transfers or allocations of funds to other federal agencies pursuant to Section 619(b) of the Act. The following report shall be made available to the public by means of publication in the **Federal Register** and on the Internet Web site of the MCC (*http://www.mcc.gov*) in accordance with Section 612(b) of the Act.

ASSISTANCE PROVIDED UNDER SECTION 605

Projects	Obligated	Objectives	Cumulative disbursements	Measures
Country: Madagascar Year: 2008 Quarter 4 Total obligation: $109,773,000 Entity to which the assistance is provided: MCA Madagascar Total quarterly disbursement: $12,296,269				
Land Tenure Project	$37,803,000	Increase Land Titling and Security.	$15,491,326	Legislative proposal reflecting the National Land Tenure Program submitted to Parliament and passed. Number of land disputes reported and resolved in the target zones and sites of implementation. Percentage of land documents inventoried, restored, and/or digitized. Average time and cost required to carry out property transactions. Percent of reported land conflicts resolved on titled land in zone 3, 4, 5 during the title regularization operations. Percentage of land in the zones that is demarcated and ready for titling.
Finance Project	$35,888,000	Increase Competition in the Financial Sector.	$11,298,895	The number of savings accounts and outstanding value of accounts from primary banks. Maximum check clearing delay. Volume of funds in payment system and number of transactions. Increased public awareness of new financial instruments as measured by surveys within intervention zones and large towns. The amount of government debt issued with maturities in excess of 52 weeks. The number of new individual investors buying government debt securities. The number of bank branches of the Central Bank of Madagascar capable of accepting auction tenders.

BESAFE, Inc.
Safe City, Texas

Case Study Information

You have been selected to participate as a team member for an approval evaluation being conducted at Brody Electronic Systems And Facility Equipment, Inc. (BESAFE), Safe City, Texas. The team consists of a Team Leader (OSHA staff), Back-up Team Leader (OSHA Staff), Safety Specialist (SGE), and an Industrial Hygienist (SGE). Your assignment will be as the Safety Specialist, or Industrial Hygienist depending on your expertise.

The Team Leader has given you several VPP requirements to review. In order to assess the effectiveness of each of the elements it was necessary for you to review several documents including the application, safety and health program documentation including training records, annual self-evaluation, in addition to interviewing employees and managers and conducting a walk-through tour of the worksite. The plant walk-through included all areas of the facility necessary to evaluate the VPP requirements you have been assigned.

Employee Information - There are 150 BESAFE, Inc. employees, and approximately 30 contract employees working at the site. Production employees work 12-hour rotating shifts. All other employees work five 8-hour days. The Team Leader and Backup Team Leader conducted formal interviews with 36 BESAFE employees, and 15 contractor employees from all shifts. All team members combined conducted 20 informal interviews with BESAFE employees, and 10 contractors.

Hazards at the Site - The hazards at this site include, but are not limited to: cuts, abrasions, possible amputations from various metal-working equipment, and a punch press; electrical hazards from maintenance operations conducted on 480V machinery; material handling hazards are as a result of the use of cranes, hoists, and powered industrial truck operations; industrial hygiene hazards including exposure to lead from solder, metal dust from grinding various metal parts, organic solvents, noise, and bloodborne pathogens.

OSHA inspection activity - There has been one OSHA inspection activity recently at this site.

when

Injury Rate Information -

It was determined during the review that the number of injuries and illnesses reported by the site in their application was misreported. A review of the first reports of injury showed a significantly lower number of injuries than those reported by the site. The following table reflects the actual injuries and illnesses that should have been reported:

YEAR	HOURS	TOTAL CASES	TCIR	Days away and restricted cases	DARCIR
1	500,000	2	0.8	1	0.4
2	400,000	6	3.0	3	1.5
3	330,000	2	1.2	1	0.6
TOTAL	1,230,000	10		5	
Three-Year Rate			1.6		0.8
BLS National Average for current BLS national average (NAICS XXX)			4.2		1.8
Current Year YTD	141,360	2	2.8	1	1.4

This resulted in a 3-year TCIR that was 62 percent below the BLS national average, and a DART that was 55 percent below the BLS average.

The Safety Manager was interviewed regarding the recordkeeping at the site. He stated the problems with recordkeeping were mainly due to the company's concern about under reporting injuries and illnesses as was cited during their company's compliance inspection in Year 2. The logs were updated to reflect current recordable injuries and illnesses. It was clear after interviewing the safety manager that he understood the difference between recordable and non-recordable injuries and illnesses, but was purposely recording first aid cases as well as recordables to avoid any OSHA citations. The Safety Manager agreed to maintain first aid cases on a separate log from recordable injuries and illnesses.

Contractor companies were interviewed. Each contractor is required to maintain their own OSHA 300 log and report their totals and rates at the end of the year to the BESAFE safety manager. These rates were used by the company in conjunction with their contractor program to determine contractor suitability to continue working onsite.

The BESAFE safety manager informed the team that he records all temporary employee and contractor injuries and illnesses on the BESAFE OSHA 300 log when those employees are being directly supervised by BESAFE management. ✓

Only reviewed
@ end of year

Safety and Health Program Observations -

Management Leadership and Employee Involvement

Management Commitment - The BESAFE Manufacturing Manager and other personnel in the management structure have clearly accepted responsibility for the safety of their employees and the operations under their control by establishing Environmental Health and Safety (HES) policies and procedures. The Leadership Team sets goals annually to improve the safety and health of all employees, and the Central Environmental Health and Safety Council (CEHSC) reviews the goals and sets objectives and action plans to meet these goals. Management demonstrates their commitment to safety and health through active participation in the safety programs, participation on teams and councils, providing active leadership, and necessary resources and funding. Management's goal is to prevent all accidents by identifying and controlling operational risks. Management is fully committed to providing a safe and healthy work environment to all employees, contractors, and neighbors.

In house?

VPP Commitment - Management has shown a clear commitment to meeting the requirements of the VPP by its active support of the VPP Team and employees. Management has allowed employees to participate in VPP conferences, and takes the time necessary to ensure all elements of the VPP are adequately in place. The manufacturing manager previously worked for a company that was very active in VPP, and has demonstrated his commitment to VPP and the health and safety of all employees at this facility. Management was helpful in setting up formal interviews by providing an employee list for random selection of employees and private rooms for conducting interviews.

Planning - Safety and Health are an integral part of the planning processes. Goals are established for the safety performance and objectives are set to accomplish these goals. Management is involved in the planning phase of meeting the established goals by providing the necessary resources including budgeting and training.

Written Safety and Health Program - All critical elements (Management Leadership and Employee Involvement, Worksite Analysis, Hazard Prevention and Control, Safety and Health Training) and sub-elements of a basic safety and health program are a part of the Plants' written program. The safety and health programs are appropriate to the size of the worksites and the type of industry. The written safety and health policies were reviewed and were found to be thorough and more than adequate.

Top Management Leadership - Top management is committed to the implementation of a well-coordinated safety and health program including establishing a clear line of communication with employees. The Manufacturing Manager supports the Central Environmental Health and Safety Council and participates in quarterly business meetings with employees. He feels he can best affect safety and health by providing support and resources to the safety and health committees at this site. Several employees stated during interviews that the plant manager and other management officials often visit the work area to discuss safety and health issues and concerns with employees, although, one employee interviewed stated he felt the plant manager was "spying" on employees by spending so much time in the work area.

Authority and Resources - All employees at BESAFE are responsible for safety and performing their duties in a safe manner. Employees are given the authority and responsibility to stop any unsafe work activities until corrected. The Manufacturing Manager has the ultimate responsibility with the assistance of safety, health, and technical professionals. Adequate resources, including staff, equipment, and training have been committed to workplace safety and health. This is evident by the programs reviewed, employee involvement, and competence of the employees.

Line Accountability - All employees at BESAFE are held accountable for their performance in regards to safety and health. Each employee sets his/her "line of sight" goals which include safety and health responsibilities and which are evaluated annually and compared to the safety, health, and environmental goals and assigned roles, responsibilities, and expectations. Management is committed to providing the leadership, direction, goals, training, resources, and standards to ensure all employees may perform their duties in a safe and healthful workplace. Safety is a critical element in manager performance evaluations, and is reviewed during all managers' evaluations. The review indicated the system utilized is working effectively. All site safety rules, safe work practices, and PPE requirements are adequate.

Contract Workers - BESAFE has a written contractor program which addresses the requirements a contractor must meet to perform work on this site. The written program states all contractor employees will receive the same high quality safety and health protection as any other employee working at BESAFE. The written program requires all contractors to follow all site health and safety rules as well as other federal regulations while performing work at this site. The written program states the safety manager is responsible for contractor oversight and ensuring the contractor complies with all rules spelled out in the contractor program. The written program states contractors conducting short term projects will be monitored on a daily basis by BESAFE, and those conducting long-term projects (Greater than 30 days) must have a safety representative onsite whenever the contractor employees are performing work. The contractor program states a contractor may be removed from the site for failing to follow any safety or health rule. When interviewing the site safety manager you learned that the business manager was responsible for obtaining the necessary documentation of all contractors safety and health programs and injury/illness information, but the process did not require the contractor safety information to be shared with the site safety manager. When reviewing contractor safety programs you find that an electrical contractor onsite re-wiring 480 Volt machines did not have a lockout/tagout program. The contractor safety coordinator stated they used the site's program, but a copy was not available. Two other contractors who were brought onsite within the past 30 days provided OSHA 300s which indicated three-year injury/illness rates approximately 25 percent above the national average. Both contractors stated they were not asked for this information prior to arriving onsite.

Employee Involvement - Management was very accommodating in providing the team with offices for employee interviews. The formally interviewed employees were randomly selected based on jobs and locations throughout the various units. All employees interviewed were comfortable in talking with members of the OSHA VPP Evaluation Team. Employees indicated they understood their responsibilities in the safety and health program. The OSHA VPP Evaluation Team's assessment confirmed BESAFE employees are knowledgeable regarding the facility's safety and health program.

Employee involvement is encouraged and fostered through the use of six different safety committees and a program entitled the Proactive Safety Process. The committees are composed of both hourly and salaried volunteer employees ranging from the manufacturing manager to process and office workers. Each committee meets monthly, and a review of committee minutes indicated the committees have been in existence for more than a year. The committees range in size from 10 members on the Hazard Recognition team, and 10 representatives on the VPP Team. Other committees include the Central Environmental Health and Safety Council, Environmental Safety Culture Team, Job Safety Analysis Team, and Contractor Safety Committee.

Most employees interviewed were knowledgeable of VPP participation, including their right to request and receive reports of inspections, accident investigations, and their results. A couple of employees hired within the past two months were unfamiliar with some of the requirements of VPP and all of the rights that accompany participation, including their right to access results of accident investigations. Employees are very supportive of the company's participation in VPP.

Safety and Health Program Evaluation - The annual evaluation was conducted by BESAFE's VPP Team and covered all VPP requirements. There is a narrative, written report which includes a description of the elements, evaluation of the effectiveness of each element, and recommendations. The annual evaluation didn't include assigning a responsible party to ensure correction of the hazards, or setting action dates. The report covers the entire program with special emphasis on the critical elements addressed in the Federal Register. Written procedures have been developed for guidance in the performance of the annual evaluation.

Safety and Health Program Observations

Worksite Analysis

Management Understanding - Management has a thorough understanding and knowledge of the hazards at this site. Methods used to determine uncontrolled hazards are Process Hazards Analyses (PHAs), Industrial Hygiene Surveys, Confined Space Surveys, Personal Protective Equipment Surveys, Self-Inspections, Routine Hazard Analysis, Employee Reports of Hazards, Accident Investigations, and Trend Analysis. All managers have extensive experience in the industry and are very familiar with the associated hazards and controls. This is evidenced by the extensive resources committed to safe operations at this site.

— What about training.

Industrial Hygiene - BESAFE has a comprehensive industrial hygiene survey system. A sampling strategy is developed yearly using baseline data and ongoing monitoring information. The safety department performs full shift monitoring for noise, lead, organic solvents, etc. All results were well below OSHA's PELs. Industrial hygiene monitoring and analyses are conducted in accordance with nationally recognized industrial hygiene protocols.

or NIOSH

What about TLVS OSHA PEL can be outdated minimums

While interviewing the safety manager, you learn most noise monitoring is done using a sound level meter. The industrial hygiene sampling strategy doesn't discuss the use of sound level meters, but states all noise monitoring shall be done using dosimeters. The safety manager informs you he has found several areas of the facility with noise levels above 90dBA. All employees are required to wear hearing protection. A review of the audiograms indicated all employees were tested. One employee was found to have suffered a standard threshold shift and

TWA?

↳ Do they have hearing conservation program.
What kind of hearing protection?

was recorded on the log, but was later lined out because the company doctor determined it was due to non-work related noise exposure.

Pre-Use Planning - BESAFE has a program requiring contractors and rental vendors to provide a verification of inspection of equipment prior to entering the site. The equipment is then provided a BESAFE sticker indicating this inspection. Once equipment is onsite it is subject to BESAFE audits. All new processes or chemicals are reviewed thoroughly prior to use in order to ensure control and prevention of hazards. → how are employees trained.

Hazard Analysis - BESAFE restructured their job task analysis program in Year 1 to form the Job Safety Analysis team (JSA), which identifies job steps, hazards, and protective measures to reduce the potential for incident or injury. The goal of the JSA team is to identify and mitigate hazards on non-routine and high risk tasks. The team is compromised of 12 representatives from various departments within the facility. The team believes this allows them a broader base of ideas to identify and mitigate hazards.

only? When?

Once the JSA is completed for a task and the hazards, protective measures, and necessary PPE have been identified, the JSA will be reviewed and signed by the employees performing the job. The JSA will then be placed in the JSA notebook for documentation and attached to the BESAFE Maintenance and Contractor Safe Work Permit file for review. The team members continuously evaluate the program and any improvements will be communicated to employees.

Routine Inspections - Worksite safety and health inspections are conducted by BESAFE employees on a daily and monthly schedule, covering the entire worksite quarterly. A team made up of members of the VPP Team and volunteers from other work areas conduct the inspections. Action items are set and the report is entered into a computer software program titled "Dilbert", where action items are tracked to completion. In March all employees were given a four-day training course for hazard recognition by the corporate office. Management participates on each semi-annual inspection and written guidelines are used by the teams to conduct the inspections.

→ How is the report & corrective actions communicated to employees → why??

Employee Hazard Reporting System - A review of the written hazard reporting system indicated the system is working effectively. Several reporting mechanisms for safety and health concerns are used. Employees can report a hazard or unsafe condition to their supervisor, submit a work order, fill out an "Employee Safety Concern" form, contact a member of the Central Environmental Health and Safety Council, or call the safety department. Employees can report concerns anonymously report using the Employee Safety Concern form, make suggestions using the suggestion form located by the entrance gates. Responses to anonymous suggestions are posted at the gates, on employee bulletin boards, and in the monthly newsletter. Employees can access the Dilbert tracking system to determine the status of any action item or work order.

Accident/Incident Investigations - All injuries/incidents are reported using the Supervisors Immediate Report (SIR). Employees are required to report all injuries/incidents immediately. Once an incident is reported, the supervisor will complete and submit a SIR, and a determination will be made as to whether an investigation will be conducted. Accident investigations are always conducted for accidents resulting in a lost time injury, but seldom for an accident resulting in a recordable injury unless it required significant medical treatment. BESAFE uses the TapRoot Causal Tree Problem Solving Process to identify why the incident happened and what steps must be taken to prevent recurrence. Incident information is available to all personnel via the web-based safety information page. Supervisors are trained in the use of causal factor

? why?? concern *

Ask employees about this system. Do they have access [illegible] tools. A review of records indicated a pattern of thorough investigations and completed action items. A review of nine accident investigations did not reveal a tendency by the accident investigation team to routinely blame employees for the accident.

Trend Analysis - BESAFE conducts trend analysis by reviewing injury/illness history, using data collected in the hazard tracking system, and the tracking system used for accident investigations. Employees can easily access reports and graphs that reflect data computations. Formal reports are generated for each main business unit on a quarterly basis and reviewed with the responsible area manager. This report consists of an analysis of the following elements: non-recordable first aid cases, OSHA recordable injuries or illnesses, the number of near miss reports completed, body part injury data, type of exposure injury data, and commonly chosen behavior observation findings that need improvement. Frontline supervisors discuss areas that need improvement and areas that show good performance with the employees during one of the scheduled safety meetings. Specific data such as type of exposures, affected body parts, or "at risk behavior" can be identified and shared with employees via a safety stand-down meeting. This meeting is held to raise the awareness and re-focus attention to specific safety issues.

Safety and Health Program Observations

Hazard Prevention and Control

Certified Professional Resources -The site has a Certified Industrial Hygienist (CIH) working at the site. A Certified Safety Professional (CSP) worked at the site until about a month ago, but has since changed companies. The CSP has not been replaced, but BESAFE is seeking a replacement. Another CSP is available through the corporate office. The site also has access to a CIH through the corporate office.

Hazard Elimination or Control -

Engineering Controls - Engineering controls are the preferred method for eliminating or minimizing employee exposure to hazards. These methods include the use of machine guarding, ventilation controls, mechanical lifting equipment, and chemical substitution.

Administrative Controls - Administrative controls are used at this facility. Computer programs suggesting stretch breaks have been installed on the computers of data processors, and employees working on the assembly line participate in a job rotation program with employees in the warehouse.

Safety and Health Rules - Written safety and health rules have been established and are made available to all employees after they have been instructed on their content. These rules include the appropriate selection of needed PPE.

Personal Protective Equipment - An adequate workplace assessment for appropriate personal protective equipment has been accomplished. Required equipment includes safety glasses with side shields, safety goggles, hearing protection, face shield, gloves, and respirators.

Hazard Control Programs - Among the effective hazard control programs are bloodborne pathogens, confined space entry, preventive maintenance, hazard communication, and respiratory protection. The lockout/tagout program ensures all employees involved in a covered activity are provided the protection of their own personal lock. 2 Contractors?

Preventive Maintenance- A computerized system is used to scheduled and track all preventive maintenance at the site. The "Dilbert" System includes all equipment and machinery requiring preventive maintenance to be performed, and schedules it at the appropriate intervals. The schedule is sent by E-mail to the maintenance manager on a daily basis so work assignments can be made. If the maintenance is not completed in the time allowed by Dilbert, another E-mail is sent to the maintenance manager and the plant manager. The plant manager then ensures the maintenance is conducted in a timely manner.

who audits that all machines are properly identified in Dilbert

- employee and user responsibility

Hazard Correction Tracking - A tracking system developed by the VPP committee is used to track all hazards identified through accident/incident investigations, self inspections, the employee hazard reporting system, industrial hygiene surveys, etc. The system lists each of the hazards requiring correction, assigns a responsible party, notifies the responsible party by E-mail, and tracks when the hazards were corrected. The system also identifies when it has not been notified of a timely correction, and notifies the responsible party AND his supervisor.

who assigns responsible party. How can employees see this report

Common 90 day

- 1910.147(c)(6) Periodic reviews of Authorized LO/TO employees.
- Pedestal grinders (tongue guards and work rests improperly adjusted)
- PRCS Permit forms-Lack of information, review, inconsistent use
- 1910.146 requires listing/marking of permit required confined spaces.
- 1910.146(d)(14) Requires periodic (up to annual) reviews of PRCS permits and procedures.
- Make sure the required programs at your site are specific to your site (Respiratory Protection, Hazard Communication, LO/TO, Fall Protection, etc.)
- Employee access to medical/exposure records and MSDSs. Training on how to access and get copies. Do they know where to go? (We'll follow the path, too)
- Hazard Communication-specific chemical training when assigned to new work area (beyond orientation Haz Com) or new chemical (current or new to area employees and don't forget to inform contractors).
- Fall Protection-Establish and EVALUATE tie off/anchor points that employees use.
- Fall protection plan for roof access for maintenance work (Site employees and contractors)
- Mark doors that could be mistaken for an EXIT – "Not and Exit" or identify its actual use. 1910.37(b)(5)
- Make sure your Ergonomics program is proactive NOT damage control.
    - It should have training, early reporting of pain (so that it doesn't have to show up on the log later),
    - medical review (PT, COHN and/or Occ. MD),
    - and some type of observation system to assure that employees are following instructions or using tools and devices correctly.
- Remember while some of these injuries (soft tissue and MSDs) are not compensable with Workers' Comp they could easily be recordable on your OSHA 300 log.
- Have a detailed explanation of any entries struck from the OSHA 300 log.
- Have Acc/Inc reviews easily available for any fist aid/ medical treatment event.
- Provide the team a couple of "near miss" or "close calls" investigations (this can actually be a good thing).
- Make sure that your supervision has a handle on PROMPT reporting of employee injuries.
- You may be asked for Workers' Comp reports or communication of evaluation of worker fit-for-duty reports from HR or MD.
- If you have trouble with OSHA 300 questions check www.osha.gov website for interpretations before you get too frantic.
- Have the contractor S & H Handbooks and S&H PROGRAMS available. Copies of Contractor's completed PRCS, Hot work, other periodic inspections required by your Company.
- Make sure your system of contractor acceptance includes an evaluation (initial and **annual**) of performance (OSHA 300s, EMR, OSHA inspection history, track hours worked, etc.) and observations of work while on site (EHS and/or BBS observations are good, too)
- Show documented examples of contractor disciplinary action, we'll get the stories.
- Provide written charters, by laws, goals and objectives for your teams/committees
- Have hazards noted on committee/team minutes match your hazard tracking system entries
- If the site requires respirators, there needs to be a written program and it's components
- How does the site account for absent employees when the required EAP drill is conducted?
- What VPP training is offered upon initial hire, transfer or annually? –include your site's VPP history

Employees are provided the opportunity to anonymously submit safety hazards for correction. The next notification notifies the two previous parties and the plant manager. A review of the hazard correction tracking form indicated approximately 50 percent of the items recorded in the last six months remained open for more than three months including several instances of missing machine guards, and exposed electrical wiring. When asked about the response time to these items the safety manager replied they correct the items as soon as they can, but maintenance is overwhelmed by their work and is having trouble keeping up. ** Red Flag

Occupational Health Care Program - The facility has a contract physician on site two days per week. On-site primary medical care services during the day shift are provided by an Occupational Health Nurse who is also the Corporate Medical Manager and a full time Registered Nurse (RN). The RN is on call 24 hours a day, seven days a week, but lives about five minutes from the facility. Several employees have been trained in first-aid and CPR, and are spread out through all work shifts. The guard service used to provide site security is also contracted to provide emergency medical services. All of the guards are certified paramedics and at least two guards are onsite at all times. Two full-service hospitals are located approximately 15 minutes away.

Disciplinary System - BESAFE has a written disciplinary system that specifies steps to be taken for violations of safety rules. The plant disciplinary policy is not specific to safety and health performance problems, but is used to address all forms of unacceptable conduct and/or performance problems. The program includes an oral warning, written reprimand, suspension, and finally termination; however, steps can be skipped, as appropriate. There is evidence that disciplinary actions have been taken to change the behaviors of at least one employee and one supervisor. Interviews indicated employees were aware of the disciplinary system. Employees stated during the interviews they have seen managers walk by employees not wearing PPE in the work area and did not take any action although they said this didn't seem like a regular occurrence. Employees are aware that failure to follow safety rules could result in disciplinary action.

Emergency Procedures - The Emergency Response Plan is a written program that involves plans for handling unexpected operational incidents. Evacuation drills are conducted four times per year; twice for each shift. Employees with responsibilities other than evacuation respond to the incident, while all other employees evacuate and report to the rally point for a head count. The supervisor for the area uses an employee roster to track the employees that are present and those that were not there for the drill. The safety manager states that employees who are not present for the drill are brought in and walked through the evacuation procedures to make sure they understand what to do in an emergency. The headcount sheets for the last drill indicated no employees missed the last drill.

The written procedure covers all required elements and is adequate for potential emergency situations at the facility. Documentation such as rosters and reports indicates the program has been in place for more than one year.

Safety and Health Program Observations

Safety and Health Training

Look @ all required job specific only-

Program Description - Formal safety and health training begins with a three-day employee orientation session which consists of eight core courses. Training includes hazard communication, mishap reporting, and PPE awareness. As many as 21 additional job-specific courses such as permitting, energy control, and confined space entry are taught to operational personnel. Successful course completion is determined by exam, and records are maintained by the training department. Refresher training on all company-required subjects is conducted annually. Training is conducted onsite and is mostly computer-based in nature.

b in person??

what about retraining as needed

Supervisors - Supervisors understand the hazards of the site and how to protect themselves from these hazards and understand their safety and health role. Employees interviewed indicated recognized hazards either were corrected by them if possible or would be reported to their supervisors who would ensure correction. Supervisors are responsible for ensuring employees under their control receive all training required and that it is documented on training records. In addition to job specific training, supervisors are required to take 80 hours of enhanced training relating to their safety, health, and training responsibilities every three years.

Employees - Employees at this site were very knowledgeable in their job duties as well as their responsibilities in respect to safety. Employees participate in annual training to maintain their proficiency in their required job skills as well as to increase their knowledge and general understanding of the hazards to which they may be exposed. Employee training is tracked on a yearly basis. Employees have until December 31 of each year to complete all training requirements. The safety training coordinator is responsible for tracking employee training and ensuring it is completed by December 31. She stated during her interview she is sometimes frustrated when trying to get employees in to complete their training because the supervisors are concerned about the employees being away from their job, so they keep putting it off.

Possibly have a more defined training schedule.

Personal Protective Equipment -
Employees receive training on various types of PPE during their initial orientation including the use of hearing protectors, and safety glasses. Also, employees receive additional specific training on PPE when it is required for their job, such as using respirators, face shields, goggles, etc. The training includes the reasons why the PPE is necessary as well as the risks associated with wearing it improperly or not at all. The training also discusses the limitations of the PPE, and how to maintain it properly. — what to do if need replacement.

Managers - Managers receive the same training as the hourly personnel and additionally must complete 80 hours of enhanced training to their safety, health, and training responsibilities every three years.

2.

Emergencies - All BESAFE employees receive safety and health training initially and annually, including training on emergency situations from fire, chemical releases, or natural disasters. All employees interviewed indicated they had participated in an evacuation drill within the last year. The team noted when they came onsite there was very limited information for them regarding the emergency procedures for the site. They were told by the guard that they would be escorted during their visit and the escort would make sure they know where to go in the event of an emergency.

Walkaround Observations - Several observations were made by the team during the walkaround. For each of these items, consider whether they should be considered **recommendations, 90-day contingency items, best practice**, or **Merit Goals**:

1. Three out of 12 emergency exits were found to be blocked by pieces of portable machinery and equipment. 90 Day

2. You notice that the work area appears very clean for this type of industry. You wonder to yourself whether your floors at home are this clean! You interviewed several employees who all stated this was a normal condition. The site shuts down a half day every week to perform cleaning of the work area. BP

3. A few of the eyewashes were found to be dirty, with no caps over the faucets. The inspection tags used by the VPP team during their walkaround to note the eyewash was checked, and was dated within the past week. 90 Day

4. You notice that all employees are wearing appropriate safety equipment including safety glasses and hearing protection. Two employees are grinding near the back wearing a face shield and goggles. BP

5. During your review of the lockout/tagout program you noted the program had not been reviewed for the past two years. Two punch presses, a new 16" grinder, and a boring machine were observed during the walk around that weren't addressed in the program. Interviews with managers and employees indicated the equipment had been purchased within the past year. 90 Day

6. You observe several oxygen and acetylene cylinders in the contractor's work area that are capped, and stored properly. You also observe three cylinders each of oxygen and acetylene that are stored together and left uncapped. 90 Day

7. During the walkaround, you observed two unguarded saws in the machine shop. 90 Day

8. You have heard a presentation from one of the Regional VPP Managers and you now know that automatic electronic defibrilators (AED's) can save people's lives, but this site does not have one. Recommendation.

Voluntary Protection Programs
An OSHA Cooperative Program

Site-Based Participation Evaluation Report

Company Name
City, State

Onsite Evaluation Date
Month – Start/End Date, 20XX

VPP Evaluation Team
Name, Title
Name, Title
Name, Title
Name, Title
Name, Title

EXECUTIVE SUMMARY

I. Purpose and Scope of Review

An onsite review was conducted from **<Date>**, at the **<Organization>** in **<City, State>**. The purpose of the evaluation was to determine the site's **<eligibility or continued eligibility>** for site-based participation in the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Programs (VPP). The VPP Evaluation Team consisted of:

Name, Title/Special Government Employee (SGE), Office, City, State
Name, Title/Special Government Employee (SGE), Office, City, State
Name, Title/Special Government Employee (SGE), Office, City, State
Name, Title/Special Government Employee (SGE), Office, City, State
Name, Title/Special Government Employee (SGE), Office, City, State

II. Methods of Data Collection

The information for this report was obtained from the site's VPP application, documentation reviewed onsite, interviews with employees and management personnel, annual evaluation reports, and physical observations of the facility(ies).

III. Employees at the Worksite

There are **<XXX>** employees working on site. In addition, there are **<XXX>** contractor employees onsite performing maintenance, capital projects, guard services, janitorial services, etc. Employees at the site are represented by the **<insert union name(s) and local(s)>**. (Employees at the site are not represented by a collective bargaining agent.) Formal interviews were conducted with **<XX >**site employees and **<XX>** contract employees. Informal interviews were conducted with **<XXX>** site employees and **<XXX>** contract employees.

IV. The Worksite

The site is properly classified under North American Industrial Classification System (NAICS) code <XXXXXX>. **Provide a description of the site, e.g., size, location, operation, buildings, etc. Describe the site's processes, productions, and applications.** Housekeeping at the facility was considered by the VPP Evaluation Team to be **<please select one: poor, fair, good or excellent>**.

V. Worksite Hazards

The hazards at the site include, but are not limited to **<state hazards>.** The site **<does or does not>** use chemicals considered to be highly hazardous and in sufficient quantity to place the site under the Process Safety Management (PSM) Standard.

VI. Injury and Illness Rates

The three-year Total Case Incidence Rate (TCIR) and Days Away/Restricted/Transferred Case Incidence (DART) rate for the period **<20XX-20XX>** are **<XX>** and **<XX>,** respectively. The site TCIR is **<XX%> <above/below>,** and the DART rate is **<XX%> <above/below>** the 20XX Bureau of Labor Statistics (BLS) industry average for NAICS code **<XXXXXX>** for 20XX.

Team leader must verify that a comparison has been conducted against the site's injury and illness rates reviewed during the evaluation and the site's injury and illness rates reported in its annual self- evaluation.

Year	**Hours**	**Total # of Cases**	**TCIR Rate**	**Number of Cases Involving Days Away from Work, Restricted Activity or Job Transfer**	**DART Rate**
20XX					
20XX					
20XX					
Total					
Three-Year Rate (20XX-20XX)					
BLS National Average for 20XX (NAICS XXXXXX)					
20XX YTD					

VII. OSHA Activity

There has been no OSHA inspection activity or fatalities at this site within the past **<XX>** years. The site maintains an excellent relationship with its local OSHA Area and Regional offices.

VIII. Elements of the VPP Review/Program Changes

The VPP Evaluation Team has examined each of the required elements of the site's safety and health management programs. All VPP requirements have been met and all OSHA standards are appropriately covered.

Bullet summary information of VPP Elements.

- Management Leadership and Employee Involvement
- Worksite Analysis
- Hazard Prevention and Control
- Safety and Health Training

- **<For Reapproval evaluations>**, discuss significant program or site changes since the last visit. A bulleted list is acceptable. [*For Star reapproval evaluations recommending One-Year Conditional, add the following sentence*: Refer to Section XI for discussion of safety and health management program corrections.]

- **<Incentive Programs>**The site utilizes an incentive program which meets the requirements of revised Memorandum #5: Further Improvements to the Voluntary Protection Programs (VPP) dated 8/14/14. **OR** The site does not utilize an incentive program.

- **<Whistleblower Activity(ies)>** Briefly document the site's policy on anti-retaliation/ discrimination. Indicate whether the site has had or not had any whistleblower activity(ies) within the past **<XX>** years. If so, include brief description and findings/outcome.

IX. Areas of Excellence

All elements of the site's safety and health management programs met the high quality expected of VPP participants (or describe the program requirements that you considered an area of excellence). *NOTE: Do not characterize the safety and health management programs as meeting the high quality expected of VPP participants if the team is recommending One-Year Conditional reapproval.*

X. Recommendation for Participation

The VPP Evaluation Team recommends **<Site name, City, State>** be approved for participation in the OSHA VPP **<Star or Merit>** Program (*add if relevant* but placed on One-Year Conditional status *or* but required to develop an agreed upon Two-Year Rate Reduction Plan).

XI. Goals (if applicable)

- Merit Goal(s) (if relevant)
- One-Year Conditional Goal(s) (if relevant)
- Two-Year Rate-Reduction Plan (if relevant)

VPP
Voluntary Protection Programs
An OSHA Cooperative Program

Site-Based Participation
Site Worksheet

Company Name
City, State

Onsite Evaluation Date
Month – Start/End Date, 20XX

		How Assessed		
Section I: Management Leadership & Employee Involvement	**Yes or No**	Interview	Observation	Doc Review
A. Written Safety & Health Management System				
A1. *Are all the elements (such as Management Leadership and Employee Involvement, Worksite Analysis, Hazard Prevention and Control, and Safety and Health Training) and sub-elements of a basic safety and health management system part of a signed, written document? (For Federal Agencies, include 29 CFR 1960.) If not, please explain.*				
•				
A2. *Have all VPP elements and sub-elements been in place at least 1 year? If not, please identify those elements that have not been in place for at least 1 year.*				
•				
A3. *Is the written safety and health management system at least minimally effective to address the scope and complexity of worksite hazards? If not, please explain.* MR⊘				
•				
A4. *Have any VPP documentation requirements been waived (as per FRN, VOL. 74, NO. 6, 01/09/09 page 936, IV, A.4.)? If so, please explain.*				
•				

		How Assessed		
Section I: Management Leadership & Employee Involvement	**Yes or No**	Interview	Observation	Doc Review
B. Management Commitment & Leadership				
B1. *Does management overall demonstrate at least minimally effective, visible leadership with respect to the safety and health management system (as per FRN, VOL. 74, NO. 6, 01/09/09 page 936, IV. A.5. a-h)? Provide examples.* **MR⊘**	Y			
•				
B2. *How has the site communicated established policies and results-oriented goals and objectives for employee safety to employees?*	▨			
•				
B3. *Do employees understand the goals and objectives for the safety and health management system?*				
•				
B4. *Are the safety and health management system goals and objectives meaningful and attainable? Provide examples supporting the meaningfulness and attainability (or lack there of if answer is no) of the goal(s). (Attainability can either be unrealistic/realistic goals or poor/good implementation to achieve them.)*				
•				
B5. *How does the site measure its progress towards the safety and health management system goals and objectives? Provide examples.*	▨			
•				

		How Assessed		
Section I: Management Leadership & Employee Involvement	**Yes or No**	Interview	Observation	Doc Review
C. Planning				
C1. *How does the site integrate planning for safety and health with its overall management planning process (for example, budget development, resource allocation, or training)?* •	▨			
C2. *Is safety and health effectively integrated into the site's overall management planning process? If not, please explain.* •				
C3. *For site-based construction sites, is safety included in the planning phase of each project?* **MR⊘** •	N/A			

		How Assessed		
Section I: Management Leadership & Employee Involvement	**Yes or No**	Interview	Observation	Doc Review
D. Authority and Line Accountability				
D1. *Does top management accept ultimate responsibility for safety and health? (Top management acknowledges ultimate responsibility even if some safety and health functions are delegated to others.) If not, please explain.* **MR⦸**	Y	✓	✓	✓
•				
D2. *How is the assignment of authority and responsibility documented and communicated (for example, organization charts, job descriptions, etc.)?*	▨			
•				
D3. *Do the individuals assigned responsibility for safety and health have the authority to ensure that hazards are corrected or necessary changes to the safety and health management system are made? If not, please explain.* **MR⦸**	Y			
•				
D4. *How are managers, supervisors, and employees held accountable for meeting their responsibilities for workplace safety and health? (Are annual performance evaluations for managers and supervisors require?)*	▨			
•				
D5. *Are adequate resources (equipment, budget, or experts) dedicated to ensuring workplace safety and health? Provide examples.* **MR⦸** - lack of maint. pers to fix damaged - issues -no timely repairs	N	✓	✓	✓
•				
D6. *Is access to experts (for example, Certified Industrial Hygienists, Certified Safety Professionals, Occupational Nurses, or Engineers), reasonably available, based upon the nature, conditions, complexity, and hazards of the site? If so, under what arrangements and how often are they used?*				
•				

Section I: Management Leadership & Employee Involvement	**Yes or No**	**How Assessed**		
		Interview	Observation	Doc Review
E. Contract Employees				
E1. *Does the site utilize contractors? Please explain.* •				
E2. *Were there contractors/sub-contractors onsite at the time of the evaluation?* •				
E3. *When selecting onsite contractors/sub-contractors, how does the site evaluate the contractor's safety and health management system and performance (including rates)?* •	▨			
E4. *Are contractors and subcontractors required to maintain an effective safety and health management system and to comply with all applicable OSHA and company safety and health rules and regulations? If not, please explain.* •				
E5. *Does the site's contractor program cover the prompt correction and control of hazards in the event that the contractor/sub-contractor fails to correct or control such hazards? Provide examples.* **MR⊘** •				
E6. *How does the site document and communicate oversight, coordination, and enforcement of safety and health expectations to contractors?* •	▨			
E7. *Have the contract provisions specifying penalties for safety and health issues been enforced, when appropriate? If not, please explain.* •				
E8. *How does the site monitor the quality of the safety and health protection of its contract employees?* •	▨			
E9. *Do contract provisions for contractors require the periodic review and analysis of injury and illness data? Provide examples* •				
E10. *If the contractors' injury and illness rates are above the average for their industries, describe the site's procedures that ensure that all employees are provided effective protection on the worksite? If yes, please explain.* •				
E11. *Based on your answers to the above items, is the contract oversight minimally effective for the nature of the site? (Inadequate oversight is indicated by significant hazards created by the contractor, employees exposed to hazards, or a lack of host audits.) If not, please explain.* **MR⊘** •				

ection I: Management Leadership & Employee Involvement

. Employee Involvement

		How Assessed		
	Yes or No	Interview	Observation	Doc Review
1. How were employees selected to be interviewed by the VPP team? •	▨			
2. How many employees were interviewed formally? How many were interviewed informally? •	▨			
3. Do employees support the site's participation in the VPP? **MR⊘** •				
4. Do employees feel free to participate in the safety and health management system without fear of iscrimination or reprisal? If so, please explain. **MR⊘** •				
5. Are employees meaningfully involved in the problem identification and resolution, or evaluation f the safety and health management system (beyond hazard reporting). (As per FRN page 936 IV, A.6.) For site-based construction sites, does the company encourage strong labor-management ommunication in the form of supervisor and employee participation in toolbox safety meetings and raining, safety audits, incident investigations, etc.? •				
F6. Are employees knowledgeable about the site's safety and health management system? If not, please explain. •				
7. Are employees knowledgeable about the VPP? If not, please explain. •				
8. Are the employees knowledgeable about OSHA rights and responsibilities? If not, please explain. •				
F9. How were employees informed of the safety and health management system, VPP and OSHA ights and responsibilities? Please explain.	▨			
10. Did management verify employee's comprehension of the site's safety and health management ystem, VPP and OSHA rights and responsibilities? •				
11. Do employees have access to results of self-inspection, accident investigation, appropriate medical records, and personal sampling data upon request? If not, please explain. •				

		How Assessed		
Section I: Management Leadership & Employee Involvement	**Yes or No**	Interview	Observation	Doc Review
G. Safety and Health Management System Evaluation				
G1. *Briefly describe the system in place for conducting an annual evaluation.*	▨			
•				
G2. *Does the annual evaluation cover the aspects of the safety and health management system, including the elements described in the* ***Federal Register****? If not, please explain.* **MR⊘**				
•				
G3. *Does the annual evaluation include written recommendations in a narrative format? If not, please explain.*				
•				
G4. *Is the annual evaluation an effective tool for assessing the success of the site's safety and health management system? Please explain.*				
•				
G5. *What evidence demonstrates that the site responded adequately to the recommendations made in the annual evaluation?*	▨			
•				
G6. *Is the annual evaluation conducted by competent site, corporate or other trained personnel experienced in performing evaluations?*				
•				

Section I: Management Leadership & Employee Involvement

Merit Goals: *(Include cross- reference to section, subsection, and question, e.g., I.B2)*

1.

2.

90-Day Items: *(Delete this section for final transmittal to National Office)*

1.

2.

Best Practices:

1.

2.

Comments including Recommendations: *(optional)*

1.

2.

Documents Referenced, Programs Reviewed: *(optional)*

1.

2.

		How Assessed		
Section II: Worksite Analysis	**Yes or No**	Interview	Observation	Doc Review
A. Baseline Hazard Analysis				
A1. *Has the site been at least minimally effective at identifying and documenting the common safety and health hazards associated with the site (such as those found in OSHA regulations, building standards, etc., and for which existing controls are well known)? If not, please explain.* **MR⊘** •				
A2. *What methods are used in the baseline hazard analysis to identify health hazards? (Please include examples of instances when initial screening and full-shift sampling were used. See FRN page 937, B.2.b)* •	▨			
A3. *Does the company rely on historical data to evaluate health hazards on the worksite? If so, did the company identify any operations that differed significantly from past experience and conduct additional analysis such as sampling or monitoring to ensure employee protection? If so, please describe.* •				
A4. *Does the site have a documented sampling strategy used to identify health hazards and assess employees' exposure (including duration, route, and frequency of exposure), and the number of exposed employees? If not, please explain.* **MR⊘** •				
A5. *Do sampling, testing, and analysis follow nationally recognized procedures? If not, please explain.* •				
A6. *Does the site compare sampling results to the minimum exposure limits or are more restrictive exposure limits (PELs, TLVs, etc.) used? Please explain.* •				
A7. *Does the baseline hazard analysis adequately identify hazards (including health) that need further analysis? If not, please explain. For site-based construction sites, does the hazard analysis include studies to identify potential employee hazards, phase analyses, task analyses, etc.?* •				
A8. *Does industrial hygiene sampling data, such as initial screening or full shift sampling data, indicate that records are being kept in logical order and include all sampling information (for example, sampling time, date, employee, job title, concentrated measures, and calculations)? If not, please explain the deficiencies and how they are being addressed.* •				
A9. *For site-based construction sites, are hazard analyses conducted to address safety and health for each phase of work?* •				

		How Assessed		
Section II: Worksite Analysis	**Yes or No**	Interview	Observation	Doc Review
B. Hazard Analysis of Significant Changes				
B1. *When purchasing new materials or equipment, or implementing new processes, what types of analyses are performed to determine impact on safety and health, and are these analyses adequate?*	▨			
•				
B2. *When implementing/introducing non-routine tasks, materials or equipment, or modifying processes, what types of analyses are performed to determine impact on safety and health, and are these analyses adequate?*	▨			
•				

		How Assessed		
Section II: Worksite Analysis	**Yes or No**	Interview	Observation	Doc Review
C. Hazard Analysis of Routine Activities				
C1. *Is there at least a minimally effective hazard analysis system in place for routine operations and activities?* **MR⊘** •				
C2. *Does hazard identification and analysis address both safety and health hazards, if appropriate? If not, please explain.* •				
C3. *What hazard analysis technique(s) are employed for routine operations and activities (e.g., job hazard analysis, HAZ-OPS, fault trees)? Please explain.* •	▨			
C4. *Are the results of the hazard analysis of routine activities adequately documented? If not, please explain.* •				
C5. *For site-based construction sites, are hazard analyses conducted to address safety and health hazards for specialty trade contractors during each phase of work?* •				

		How Assessed		
Section II: Worksite Analysis	**Yes or No**	Interview	Observation	Doc Review
D. Routine Inspections				
D1. *Does the site have a minimally effective system for performing safety and health inspections (i.e., a minimally effective system identifies hazards associated with normal operations)? If not, please explain.* **MR⊘** •				
D2. *Are routine safety and health inspections conducted monthly, with the entire site covered at least quarterly (construction sites: entire site weekly)?* **MR⊘** •				
D3. *For site-based construction sites, are employees required to conduct inspections as often as necessary, but not less than weekly, of their workplace/area and of equipment?* **MR⊘** •				
D4. *Does the site incorporate hazards identified through baseline hazard analysis, accident investigations, annual evaluations, etc., into routine inspections to prevent reoccurrence?* •				
D5. *Are employees conducting inspections adequately trained in hazard identification? If not, please explain.* •				
D6. *Is the routine inspection system written, including documentation of results indicating what needs to be corrected, by whom, and by when? If not, please explain.* •				
D7. *Did the VPP team find hazards that were not found/noted on the site's routine inspections? If so, please explain.* •				

		How Assessed		
Section II: Worksite Analysis	**Yes or No**	Interview	Observation	Doc Review
E. Hazard Reporting				
E1. *Is there a minimally effective means for employees to report hazards and have them addressed? If not, please explain.* **MR⊘** •				
E2. *Does the hazard reporting system have an anonymous component?* •				
E3. *Does the site have a reliable system for employees to notify appropriate management personnel in writing about safety and health concerns? Please describe.* •				
E4. *Do the employees agree that they have an effective system for reporting safety and health concerns? If not, please explain* •				

Section II: Worksite Analysis

F. Hazard Tracking

	Yes or No	How Assessed		
		Interview	Observation	Doc Review
F1. *Does a minimally effective hazard tracking system exist that result in hazards being controlled? If not, please explain.* **MR⊘**				
•				
F2. *Does the hazard tracking system result in hazards being corrected and provide feedback to employees for hazards they have reported? If not, please explain.*				
•				
F3. *Does the hazard tracking system result in timely correction of hazards with interim protection established when needed? Please describe.*				
•				
F4. *Does the hazard tracking system address hazards found by employees, hazard analysis of routine and non-routine activities, inspections, and accident or incident investigations? If not, please explain*				
•				

		How Assessed		
Section II: Worksite Analysis	**Yes or No**	Interview	Observation	Doc Review
G. Accident/Incident Investigations				
G1. *Is there a minimally effective system for conducting accident/incident investigations, including near-misses? If not, please explain.* **MR⊘** •				
G2. *Is the accident/incident investigation policy and procedures documented and understood by all? If not, please explain.* •				
G3. *Is there a reporting system for near-misses that include tracking, etc.? If not, please explain.* •				
G4. *Are those conducting the investigations trained in accident/incident investigation techniques? Please explain what techniques are used, e.g., Fault-Tree, Root Cause, etc.* •				
G5. *Describe how investigators discover and document all the contributing factors that led to an accident/incident or a near-miss.* •	▨			
G6. *Were any uncontrolled hazards discovered during the investigation previously addressed in any prior hazard analyses (e.g., baseline, self-inspection)? If yes, please explain.* •				

		How Assessed		
Section II: Worksite Analysis	**Yes or No**	Interview	Observation	Doc Review
H. Trend Analysis				
H1. *Does the site have a minimally effective means for identifying and assessing trends?* **MR⊘** •				
H2. *Have there been any injury and/or illness trends over the last three years? If so, please explain.* •				
H3. *Did the team identify trends that should have been identified by the site? If so, please describe.* •				
H4. *If there have been injury and/or illness trends, what adequate courses of action have been taken? Please explain.* •	▨			
H5. *Does the site assess trends utilizing data from hazard reports and/or accident/incident investigations to determine the potential for injuries and illnesses? If not, please explain.* •				
H6. *Are the results of trend analyses shared with employees and management and utilized to direct resources, prioritize hazard controls and modify goals to address trends? If not, please explain.* •				

Section II: Worksite Analysis

Merit Goals: *(Include cross- reference to section, subsection, and question, e.g., II.B2)*

1.

2.

90-Day Items: *(Delete this section for final transmittal to National Office)*

1.

2.

Best Practices:

1.

2.

Comments including Recommendations: *(optional)*

1.

2.

Documents Referenced, Programs Reviewed: *(optional)*

1.

2.

		How Assessed		
Section III: Hazard Prevention and Control	**Yes or No**	Interview	Observation	Doc Review
A. Hazard Prevention and Control				
A1. *Does the site select at least minimally effective controls to prevent exposing employees to hazards?* MR⊘				
•				
A2. *When the site selects hazard controls, does it follow the preferred hierarchy (engineering controls, administrative controls, work practice controls [e.g., lockout/tagout, bloodborne pathogens, and confined space programs], and personal protective equipment) to eliminate or control hazards? Please provide examples, such as how exposures to health hazards were controlled.*				
•				
A3. *Describe any administrative controls used at the site to limit employee exposure to hazards (for example, job rotation).*	▨			
•				
A4. *Do the work practice controls and administrative controls adequately address those hazards not covered by engineering controls? If not, please explain.*				
•				
A5. *Are the work practice controls (e.g., lockout/tagout, bloodborne pathogens, and confined space programs) recommended by hazard analyses implemented at the site? If not, please explain.*				
•				
A6. *Are follow-up studies (where appropriate) conducted to ensure that hazard controls were adequate? If not, please explain.*				
•				
A7. *Are hazard controls documented and addressed in appropriate procedures, safety and health rules, inspections, training, etc.? Provide examples.*	×	✓		
•				

		How Assessed		
Section III: Hazard Prevention and Control	**Yes or No**	Interview	Observation	Doc Review
Disciplinary System				
A8. *Are there written employee safety procedures including a disciplinary system? Describe the disciplinary system?* •				
A9. *Has the disciplinary system been clearly communicated and enforced equally for both management and employees, when appropriate? If not, please explain.* •				
Emergency Procedures				
A10. *Does the site have minimally effective written procedures for emergencies?* **MR⊘** •	Yes	✓		✓
A11. *Did the site explain the frequency and types of emergency drills held (including at least an evacuation drill annually)?* •				
A12. *Is the emergency response plan updated as changes occur in the work areas e.g., evacuation routes or auditory systems?* •				
A13. *Did the site describe the system used to verify all employees' participation in at least one evacuation drill each year?* •				
Preventative/Predictive Maintenance				
A14. *Does the site have a written preventative/predictive maintenance system? If not, please explain.* •				
A15. *Did the hazard identification and analysis (including manufacturers' recommendations) identify hazards that could result if equipment is not maintained properly? If not, please explain.* •				
A16. *Does the preventive maintenance system detect hazardous failures before they occur? If not, please explain. Is the preventive maintenance system adequate?* •				
Personal Protective Equipment (PPE)				
A17. *How does the site select Personal Protective Equipment (PPE)?* •	▨			

		How Assessed		
Section III: Hazard Prevention and Control	**Yes or No**	Interview	Observation	Doc Review
A18. *Did the site describe the PPE used at the site?*				
•				
A19. *Where PPE is required, do employees understand that it is required, why it is required, its limitations, how to use it, and how to maintain it? If not, please explain.*				
•				
A20. *Did the team observe employees using, storing, and maintaining PPE properly? If not, please explain.*				
•				
Process Safety Management (PSM)				
A21. *Is the site covered by the Process Safety Management standard (29 CFR 1910.119)? If yes, please answer questions A22-A25 below. Additionally, please complete either the onsite evaluation supplement A or B, and the onsite evaluation supplement C. If not, skip to section B.* **MR⊘**				
•				
A22. *Which chemicals that trigger the Process Safety Management (PSM) standard are present?* **MR⊘**	▨			
•				
A23. *Which process(es) were followed from beginning to end and used to verify answers to the questions asked in the PSM application supplement, the PSM Questionnaire, and/or the Dynamic Inspection Priority Lists?* **MR⊘**	▨			
•				
A24. *Verify that contractor employees who perform maintenance, repair, turnaround, major renovation or specialty work on or adjacent to a covered process have received adequate training and demonstrate appropriate knowledge of hazards associated with PSM, such as non-routine tasks, process hazards, hot work, emergency evacuation procedures, etc.? Please explain.* **MR⊘**	▨			
•				
A25. *Is the PSM program adequate in that it addresses the elements of the PSM standard and the PSM directive? Please explain.* **MR⊘** •				

		How Assessed		
Section III: Hazard Prevention and Control	**Yes or No**	Interview	Observation	Doc Review
B. Occupational Health Care Program				
B1. *Describe the occupational health care program (including availability of physician services, first aid, and CPR/AED) and special programs such as audiograms or other medical tests used.* •	▨			
B2. *How are licensed occupational health professionals used in the site's hazard identification and analysis, early recognition and treatment of illness and injury, and the system for limiting the severity of harm that might result from workplace illness or injury? Is this use appropriate?* •				
B3. *Is the occupational health program adequate for the size and location of the site, as well as the nature of hazards found here? If not, please explain.* •				
C. Recordkeeping				
C1. *Are OSHA required recordkeeping forms being maintained properly in terms of accuracy, form completion, etc.? If not, please explain.* **MR⊘** •				
C2. *Is the recordkeeper knowledgeable of 29 CFR 1904, OSHA's recordkeeping standard?* **MR⊘** •				
C3. *What records were reviewed to determine compliance with the recordkeeping standard?* •	▨			
C4. *Do the injury and illness rates accurately reflect work performed by contractors/sub-contractors at the site evaluated? Please explain.* **MR⊘** •				
C5. *Was there any evidence of recordable injuries/illnesses not being reported due to management pressure, production concerns, incentive programs, etc.? If yes, please explain.* •				

Section III: Hazard Prevention and Control

Merit Goals: *(Include cross reference to section, subsection, and question, e.g., I.B2)*

1.

2.

90-Day Items: *(Delete this section for final transmittal to National Office)*

1.

2.

Best Practices:

1.

2.

Comments including Recommendations: (optional)

1.

2.

Documents Referenced, Programs Reviewed: (optional)

1.

2.

	Yes or No	How Assessed		
Section IV: Safety and Health Training		Interview	Observation	Doc Review
A. Safety and Health Training				
A1. *What are the safety and health training requirements for managers, supervisors, employees, and contractors? Please explain.* •				
A2. *Is the training delivered by qualified instructors?* •				
A3. *Does the training provided to managers, supervisors, and non-supervisory employees (including contract employees) adequately address safety and health hazards?* **MR⊘** •				
A4. *Does the company/site operate an effective safety and health orientation program for all employees including new hires? Please explain.* •				
A5. *How are the safety and health training needs for employees determined? Please explain.* •	▨			
A6. *Does the site provide minimally effective training to educate supervisors and employees (including contract employees) regarding the known hazards of the site and their controls? If not, please explain.* **MR⊘** •				
A7. *Are managers, supervisors, and non-supervisory employees (including contract employees) taught the safe work procedures to follow in order to protect themselves from hazards during initial job training and subsequent reinforcement training?* •				
A8. *Who is trained in hazard identification and analysis?* •	▨			
A9. *Is training in hazard identification and analysis adequate for the conditions and hazards of the site? If not, please explain.* •				
A10. *Does management have a thorough understanding of the hazards of the site? Provide examples that demonstrate their understanding.* •				
A11. *Do managers, supervisors, and non-supervisory employees (including contract employees) and visitors on the site understand what to do in emergency situations? Please explain.* •				

Section IV: Safety and Health Training

Merit Goals: *(Include cross reference to section, subsection, and question, e.g., I.B2)*

1.

2.

90-Day Items: *(Delete this section for final transmittal to National Office)*

1.

2.

Best Practices:

1.

2.

Comments including Recommendations: *(optional)*

1.

2.

Documents Referenced, Programs Reviewed: *(optional)*

1.

2.

VPP Participant and Onsite Evaluation Team Data Sheet

VPP Participant Information:

Company Name:

Site Address:

Mailing Address:

Site Manager Name:

Site Manager Phone:	Site Manager E-mail Address:

VPP Contact Name: *if same as Site Manager, state "same as above"*

VPP Contact Phone:	VPP Contact E-mail Address:

Small Employer (<250 employees onsite AND <500 employees corporate-wide: Yes_____ No_______

NAICS Code:	No. of site employees:	No. of site contract employees:

Union Information

Union Name & Local No.:	
Site Representative:	
Mailing Address:	
Telephone Number:	

Union Information

Union Name & Local No.:	
Site Representative:	
Mailing Address:	
Telephone Number:	

Onsite Evaluation Team Information:

Evaluation Start Date:		Evaluation End Date:
Type of Visit: Initial Approval: ___________ Reevaluation: ___________		Participation: Site-based: ________________ Mobile Workforce: ___________ Corporate: ________________
MAO Requested: Yes_____ No_______ If Yes, Date:	MAO Rec'd Before Onsite: Yes_____ No_______	Date MAO Rec'd:
90/30 Day Items: Yes_____ No_______		Date 90/30 Day Items Completed:
TCIR/DART 3-Year Rate Change: Yes_____ No______ (Onsite vs. Annual Submission)		If Yes, Explain:
Team Members		*Discipline of Members*

Team Leader (TL):	Team Leader:
Back-Up Team Leader:	Back-Up Team Leader:
Team Member 2:	Team Member 2/or indicate if SGE:
Team Member 3:	Team Member 3/or indicate if SGE:
Team Member 4:	Team Member 4/or indicate if SGE:
Team Member 5:	Team Member 5/or indicate if SGE:

PARTICIPANT AREAS OF EXCELLENCE/BEST PRACTICES CHECKLIST

☐ Ergo Program
☐ PSM
☐ Medical Program
☐ Industrial Hygiene
☐ Pre-Job Analysis
☐ Confined Space Program
☐ Hazard Analysis
☐ Self-Inspections
☐ Employee Involvement
☐ Other:
☐ LO/TO Program
☐ Contractor Program
☐ Accountability
☐ Tracking of Hazards

STRATEGIC PLAN

High Hazard Industries

☐ Landscaping – 078
☐ Concrete/Gypsum/Plaster – 327
☐ Oil/Gas – 138
☐ Blast Furnace/Steel Production – 331
☐ Wholesale Storage – 422
☐ Fruits/Vegetables 203
☐ Ship/Boat Building/Repair – 373

Hazards

☐ Ergo
☐ Amputations – Construction
☐ Lead
☐ Amputations – General Industry
☐ Silica

VPP CORPORATE TRACKING

	Application Review	Onsite Prep	Onsite	Report Writing	Total
Team Hours Spent (Est)					

Recommended Interview Questions

I. Purpose. Interviews are an important tool in assessing the effectiveness of a site's safety and health programming. These questions are intended to guide the OSHA reviewer during oral employee interviews. To begin, explain the purpose of the interview and the reason for OSHA's presence at the site. Make employees aware that interviews are kept confidential and that the employee's responses will not in themselves determine company approval or disapproval.

II. General Employee Interview Questions.

A. How long have you worked here?

B. Tell me about your job. What do you do during a typical day?

C. What are the safety and health hazards of your job?

D. How do you protect yourself from those hazards? What kind of personal protective equipment do you wear? Were you provided training?

E. What type of safety and health training have you received?

F. What happens if management disobeys a company safety rule? If an employee disobeys?

G. How do you respond in the event of a fire, hazardous waste spill, alarm, or medical emergency?

H. What does VPP mean to you?

I. What is one method of reporting a safety or health concern? What was the last unsafe practice you reported and/or corrected?

J. How do your supervisors demonstrate their involvement in safety and health?

K. Have you ever seen anyone testing the air, noise levels, or conducting other surveys for possible health hazards? Do you know what the results were or what they meant?

L. Have you or anyone you know ever been injured or experienced a job-related illness? What is the procedure when someone is injured?

M. How are you involved in the safety decision-making process?

N. Is safety and health valued in your organization?

O. What is one objective in your department's safety program?

P. How does management support your involvement in safety?

Q. What are your rights under OSHA?

R. Is there anything else you think we should know about the safety and health program here?

III. Supervisors.

A. How long have you worked here? When did you become a supervisor?

B. What do you see as your role in safety and health?

C. To what kinds of hazards are you and/or your employees exposed?

D. Has the company's upper management provided adequate resources for safety and health programming, such as funding, time, and technical support?

E. What do you do when you discover a hazard in your area?

F. What do you do when an employee reports a hazard in your area?

G. Do you provide employee training in safety-related topics? (If so, please describe.)

H. Please give some examples where you had to use the disciplinary system for infractions of safety and health rules.

I. When was the last emergency drill? What is your role in drills?

J. How are you held accountable for ensuring safe and healthful working conditions in your area?

K. At high hazard chemical plants only: Is maintenance satisfactory, particularly on release prevention equipment? Is there adequate supervision provided for work performed on all shifts?

L. Do you have contract employees working in your area? If so, how do you control and address safety or health hazards relating to or created by them?

M. Are there routine or unannounced inspections? Who participates?

IV. Administrators and Executives.

A. How long have you been with (company)?

B. Describe the type of safety and health hazards at this site.

C. How does management ensure that employee exposure to those hazards is eliminated or controlled?

D. How do you demonstrate leadership in and commitment to safety and health?

E. What benefits will a VPP partnership provide for your company?

F. What do you think are your facility's best practices in safety and health?

G. How do you address the competing pressures of production and safety?

H. How do you hold your supervisors accountable for safety and health? Have you ever had to discipline a supervisor for not following the rules?

I. How are you held accountable for your safety and health responsibilities?

V. Recordkeepers.

A. Who is responsible for recordkeeping?

B. Is your site recordkeeping centralized? Is it computerized?

C. Do you have a completed Summary of Occupational Injuries and Illnesses for the last 3 calendar years? Do you have the supplemental documentation for each case entered on the log?

D. Which form do you use as the supplementary record: OSHA's First Report of Injury, a State workers' compensation form, an insurer's form, or other?

E. What is the process by which injury and illness information gets to the recordkeeper? After an injury or illness occurs, how long does it take to enter it on the log?

F. What type of reference material do you refer to for guidance on keeping illness and injury records?

G. Who decides whether or not a case is recordable?

H. How do you determine whether or not a case is work-related?

I. Do you record any cases on the OSHA forms that are not compensable under workers' compensation?

J. How do you distinguish between an injury and an illness? Between medical treatment and first aid?

K. When does a case involve lost workdays? What constitutes restricted work activity?

L. What is your process for monitoring applicable contractor logs?

M. How do you safeguard the confidentiality of medical records?

N. How do you assure that any work restrictions are applied appropriately?

O. How have you assured timely and clear communications with the health care professional?

VI. Occupational Health Care Professionals.

A. What are your qualifications and licenses?

B. What procedures are in place to ensure that health care services are delivered consistently and effectively?

C. What type of audit procedures do you use to compare your process with acceptable standards of practice and OSHA requirements?

D. Are employees provided timely access to services?

E. How do you assure that work restrictions or work removal are followed?

F. How are you made aware of the job hazards at this facility? Are you included in identification of workplace hazards, or development of restricted duty jobs, or other onsite issues?

G. What kinds of health surveillance programs are in place?

H. How do you communicate health surveillance data to employees and management to reduce future risk?

I. Explain how you evaluate the effectiveness of your occupational health care program.

VII. Maintenance Personnel.

A. Is there a scheduled preventive maintenance program? How is it carried out?

B. Do maintenance personnel participate in safety functions?

C. Is there a priority system for safety/environmental related maintenance items? Is it being followed?

D. Does the preventive maintenance program include onsite vehicles, sprinkler systems, detection/alarm equipment, fire protection and emergency equipment?

E. Do you have input concerning safety and ease of maintenance for new equipment and machinery purchases?

F. Do you have an inventory of spare parts critical to safety and environmental protection?

G. Are you trained in the control of hazardous energy and the proper use of locks and tags?

H. Is there a system in place to track requests for repairs?

I. What methods are used to monitor the condition of critical equipment?

J. What is the ratio of scheduled versus unscheduled maintenance work?

K. What has the trend regarding maintenance been like over the past few years?

L. At sites covered by Process Safety Management (PSM), please ask appropriate questions from the Dynamic Inspection Priority Lists.

VIII. General Questions for Onsite Evaluations to Determine Reapproval.

A. Describe any changes in your job or in the handling of safety issues since the last OSHA onsite evaluation.

B. How familiar are you with VPP? Has your awareness increased since the last visit?

C. Do you have any increased knowledge of your rights under the program, including your right to receive upon request results of self-inspections or accident investigations?

D. Do you feel that the VPP partnership has had a positive impact on your job and your safety?

E. Have you noticed any changes in safety and health conditions here since the site's approval in VPP?

Course 5450: Special Government Employee (SGE) Training Course

Pre/Post Test

1. Which element below is not an element of an effective Safety and Health Management System?

   a. Management Commitment & Employee Involvement
   b. Hazard Prevention and Control
   [✓ c.] Behavior Based Safety
   d. Safety and Health Training

2. For union sites, support for participation in VPP must come from

   a. A letter signed by the President of the local
   b. A letter signed by the union representing the most employees
   c. A letter signed by the site steward
   [✓ d.] A letter signed by the authorized representative of employees

3. Which employees are covered by the VPP process?

   a. Employees working off-site
   b. Management
   c. Contractors
   [✓ d.] All of the above

4. VPP sites are exempted from Complaint Inspections, Programmed Inspections, and Fatality/Catastrophe Inspections.

   a. True
   [✓ b.] False

5. The three levels of programs in VPP are

   a. Praise, Star, Merit
   [✓ b.] Star, Merit, Demonstration
   c. Star, Super Star, Star of Excellence
   d. Rising Star, Merit, Demonstration

6. Elements of a site's Safety and Health Management System are evaluated by which of the following methods

    a. Employee interview
    b. Document review
    c. Observation
    [✓ d.] All of the above

7. Accident investigations do not require

    [✓ a.] Employee involvement
    b. Written procedures
    c. Root causes
    d. Investigation

8. Routine inspections of a general industry worksite must be conducted at least

    a. Monthly
    b. Weekly covering the entire site semi annually
    c. Semi annually
    [✓ d.] Monthly, covering the entire site quarterly

9. Routine inspections of a construction site must be conducted

    a. Bi-monthly
    b. Monthly
    c. Daily
    [✓ d.] Weekly

10. To provide adequate access to Certified Safety Professionals, they may be available

    a. At the site
    b. At the corporate office
    c. Through their insurance company
    [✓ d.] Any of the above

11. Merit Goals may include:

    a. Injury and illness rates about the BLS industry average
    b. Deficiencies in the site's confined space entry program
    c. Inadequate employee involvement
    [✓ d.] Any of the above

12. A VPP site is responsible for training visitors on emergency procedures

[✓ a.] True
b. False

13. Travel expenses for SGEs conducting audits is paid for by the government

a. True
[✓ b.] False

14. Emergency evacuations drills must be conducted for

a. At least 90% of all employees annually
b. All employees on shift at the time of the drill
[✓ c.] All employees annually
d. All employees except for those in administrative areas

15. A Designated Geographic Area (DGA) can be within a

a. State or Region
b. County or City
c. Region or Area Office
d. Area Office or State

16. Employees must be involved in all of the below except

a. Safety and Health committees
b. Conducting routine inspections
c. Writing Job Hazard Analyses
d. None of the above

17. How many ways are there to participate in VPP

a. 1
b. 2
[✓ c.] 3
d. 4

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